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LES
TERMES DE LA LEY:

OR,

Certaine difficult and ob-
scure Words and Termes of
the Common Lawes of this
Realme expounded.

*Now newly imprinted, and much
inlarged and augmented.*

*Hor. Multa renascentur que iam cecidere, cadentque
Que nunc sunt in honore Vocabula, si volet usus.*



LONDON
Printed for the Company of STA-
TIONERS. 1629.

Cum Privilegio.

THE NEW

OR

Certaine difficult and ob-

scure Words and Terms of

the Common Law of this

Reame expounded

By Iohn Heywood Esq;

of the Inner Temple

Not a small number of these words and terms are now in use, and many of them are not to be found in any of the old books of the law.



LONDON

Printed for the Company of Sta-

tioners. 1692.

Cum Privilegio

Abba
Abba
Abba
Abba
Abba
Abba
Abba



CY ENSVIST LE TABLE DE TOVTS LES TITLES CONTEI-

nus en cest Lieur, auxy bien ceux
que fueront par deuant, come
tels queux sont noulement
adioyndre, que vous troueres
signe oue cest cha-
racter f.

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Cui an
† Cou
† Cou
† Cou
† Cou
† Cou
† Cou
Curt
† Cou
† Cou
† Gun
† Cui
† Cur
† Cust
† Cust
† Cust
† Cust

Carte

Dama
Dan
Darrein
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The Exposition of Terms of the

LAW.

**Abatement of a Writ
or Plaint.**

**Abatement de brieve
ou Plaint.**

A Batement of a Writ or Plaint, is whē an action is brought by writ or Plaint wherein is lacke of sufficient & good matter, or else the matter alledged is not certainly set downe, or if the plaintiffe or defendand, or place are misnamed, or if there appeare variance betwene the writ and the Specialty, as record, or that the writ or the Declaration bee vncertaine, or for death of the plaintiffe or defendand, and for diuers other like causes, then vpon those defaults the defendand may pray that the writ or Plaint may abate, that is to say, that the plaintiffes suite against him may cease for that time & that hee shall begin againe his

A Batement de brieve ou plaint est quant vn actiō est port p brieve ou plaint, in que fault sufficient & bone matē ou autrement le matter alledge nest certainement alleage, ou si le plaintif ou defendant, ou lieu sōt misnomm, ou si la appeare variance penter le brieve & le specialtie, ou recordes, ou que le brieve ou declaration sont vncertaine, ou p mort del plaintiffe ou defendand, & par diuers auters semblable causes, &c. ques sur ceux defaults, le defendant poit prier que le brieve ou plaint abatera, cest adire, que le suit del plaintiffe enuers luy cessera pur cest temps, & que il commencera aūc temps son
A suit

The Exposition of

fait, & port vñ mouel briefe ou plaint, sil soit iustice dispofe a faire. Mes si le def. en afcun action plede yn matter en barre par adnuller de action a tous iours, il ne viendra apres a pleder en abatement de briefe, mes si apres il apiert in le Record que est afcun matter apparant pur que le briefe doit estre abate, donque le def. ou afcun autre person, vt amicus curie poit bien plede & monstre ceo en arrest de iudgement.

Veies les titles de briefe Misnomer, & Variance en les Abridgements, & le liuer appel le Digests del briefes, en quest est fort bien entreat, especialment de ceux matters.

And bying a writt to be so disposed to doe. But if the Defendant in any action pleade a matter in barre, for to adnull the action for ever, he shall not come afterwards to pleade in abatement of the writt, but if after it appeare in the Record, that there is some matter apparant, for the which the writt ought to be abated, then the Def. or any person as a friend to the Court may well plead and shew them in arrest of iudgement.

See the titles of writt, Misnomer and Variance in the Abridgements, and the books called the Digests of writs, in which it is very well entreated, especially of these matters.

	Faut de sufficient ou bone matter.
	Le matter nest certainment alledge.
Plaintife, Defendant ou Lieu	Misnomer.
Causés de Abatement de briefe ou plaint	Brieft, Specialtie. ou Record.
vncertaintie del	Brieft, Court, ou declaration.
Mort	Plaintife, ou Defendant.
	Abate.

Abatement in lands.

ABatement in lands or tenements, is when a man openly seized of lands or tenements, and one that hath no right entereth into the same lands or tenements, before the heirs make his entry, this entry of him is called an abatement, & he an Abator. But if the heir enter first after the death of his ancestor, and the other enter upon the possession of the heirs, this entry of him, is a disseisin to the heirs. See in the books of Entries, fol. 63. c. & 205. d. & 519. e. Where this word Abatement is called in Latin Intrusio. And I thinke it better to call it in Latin, Interpositio, or Intratio per interpositionem, to make a difference between this word and intrusion after the death of the tenant for life.

3. C. Abbot.

ABbot, was the sovereign head, or chiefe of those houses, which when they were called Abbeyes, and this Abbot together with the Monkes of the same house, who were called the Couent made a Copporation: such a sovereign of any such house, shall not be charged by the act of his predecessor, if it be not

Abatement en terres.

ABatement en terres ou tenemens est quant un homme moult seisié de fies ou tenes de un qu'on ad droit entres la meisme les terres ou tenemens deuant que le heire fait son entre, cest entre de luy est appellé un Abatement & il un abator. Mais si le heire enter primes apres le mort de son ancestor, & le autre enter sur le possession del heire, cest entry de luy est un disseisin al heire. Vide l'eur Dentries, fo. 36. c. & 205. d. & 519. e. lon cest abatement est appel en Latin, Intrusio. Et ieo entend de dire melius de appeller ceo en Latin, Interpositio, ou intratio per interpositione, de faire difference enter ceo parol & intrusion puis le mort de le tenant par vie.

Abbe.

ABbe fuit le souverain recteur, ou principall de ceux maisons, queux q'it ilz fuer, fuerot appel Abbeyes, & cest abbe enseble ou les Moignes de in le maison, queux fueront appell le couent, siere un Corporac, & tel souverain de aucun tel maison ne sera charge per le act de son predecesor, sil ne soit

toys shall be taken as princ-
pals, and in some case but
as accessories: So in other
felonies. And their presence
at the dooing, and their
absence maketh a difference
in the case. There are Abbat-
tots also in treason, but they
are in case as principals, for
in treason there are no acces-
sories.

Looks more in the Booke
called the Plees of the Crown,
made by the right worshipfull
Judge Sir W. Stamford, in
the titles of Accessories, and
Damages in appeals.

Abeiance.

A Beiance is when a lease is
made for terme of life, the
remainder to the right heires
of I. S. which I. S. is li-
ving at the time of the grant,
now by this grant the re-
mainder passeth from the
grantor presently, yet it
vesteth not presently, nor ta-
keth hold in the Grantor, that
is to say, the right heire of
I. S. but is said to be in A-
beiance, or else as the Logi-
cians terme it in posse, or in
understanding, and as we say
in the clowdes, that is to wit,
in the consideration of the
Law, that if I. S. die ha-
ving a right heire, and living
the lessor for life, then this is
a good remainder, and now

seront serons pris comme
principals; et en some cas
forque comme accessories. Si
sint en autre felonies. La leur
presence a le chose fait, de
leur absence a la fait un dif-
ference en le cas. Il y ad ab-
bottots auxi en Treason, mais
ils sont en cas comme princ-
pals, car en treason il y ad
a aucun accessories.

Veis plus de ceo, en le
liure appelle les plees del
Corone, compile par le res-
pored. ludge Sir W. Stan-
ford, en les titles de Accesso-
ries, & Damages en appeal.

Abeiance.

A Beiance est quant un leas
est fait pur terme de vie,
le remainder al droit heires
de I. S. le quel I. S. est en vie
al temps del grant, or par
cest grant le remainder passa
hors del grantor maintenant,
vncor il ne vesta maincort,
ne prist effect en le grantor,
cest adire le droit heire de
I. S. mes est dit desir en a-
beiance, ou come les Logiei-
ens appelle ceo in potentia,
ou in intellectu & come
nous diomus in nullo, cest
a scavoir, en le consideration
de le ley, Que si I. S. mo-
rust ayant un droit heire
en vie, & vivant le lessor
pur vie, donques ceo est
un bone remainder, & a ore

The Exposition of

veile & vient en le dit droit
 heire, en tel soit quell point
 d'auant, forfuit, ou atermēt
 dispose ceo, & celsa d'este ore
 en abeyance, pur ceo que il
 est vn a ore de abilitie per
 preder ceo, pur ceo que l. S.
 est mort & ad relinquisi vn
 droit heire en vie, le quel ne
 poit estre viuant l. S. car du-
 rant sō venul poit pperment
 estre dit son heire, Item si vn
 home soit patron dun esglis,
 & present autera ceo, Ore est
 le fee d's terres ou tenements
 pertenant al rectorie en le
 parson, mes si le parson mor-
 rust & le esglise est deuenus
 voide, donque est le fee en
 abeyance, tanque il soit yn
 nouel parson present, admit
 & induit, car le Patron nad
 le fee; mes seulement le droit
 de presenter, & le fee est en le
 incumbent, que est present,
 & puis son mort, il nē en as-
 cun; mes in abeyance, tanque
 il soit vn nouel incumbent
 come est auant dit.

Veies Liti lib. 3. cap. 11. f.
 145. & Perk. f. 12.

Abissherling.

A Bissherling (& in aseū co-
 pies Missherling) hoc est
 quicq̃ esse de amerciamētis
 corā quibuscunq; de trans-
 gression probata.

wetherh and cometh into the
 right heire in such sort, as that
 he may graunt, forfett, or other-
 wise dispose the same, and cea-
 seth to bee any more in abey-
 ance, for that there is one now
 of ability to take it, because
 that J. S. is dead, & hath left
 a right heire in life, which could
 not be, during J. S. for that
 during his life none could
 properly bee sayd his heire.
 Also if a man be patron of a
 Church, and presenteth one to
 the same. Now is the fee of
 the lands and tenements per-
 taining to the rectorie in the
 parson, but if the parson dye
 & the Church is become voyde,
 then is the fee in abeyance, un-
 till there be a new parson pre-
 sented, admitted, and inducted,
 for the patron hath not the fee,
 but onely the right to present,
 and the fee is in the incumbent
 that is presented, and after his
 death, it is in no body but in
 abeyance, till there be a new
 incumbent as is aforesaid.

See Litch 3. booke ca. 11.
 f. 145. And Perk. f. 12.

Abissherling.

A Bissherling (and in some co-
 pies Missherling) that is
 to be quit of amerciamētis be-
 fore whomsoever of transgres-
 sion prooued.

Abiuration.

Abiuration is an oath that a man or woman shall take when they haue committed felonie, and fly to the Church or churchyard, or to any other place priuiledged for safegard of their liues, choosing rather perpetuall banishment out of the realme, then to stand to the law, and tried of the felonie, in which case before the Coroner he shall make such confession, which may make a sufficient instantment of felonie, then the Coroner at the comon law shall make him to forswear the Realme, & shall assigne him to what port he shall goe, and shall sweare him that hee goe not out of the high way, & that he should not abide at the port (if he may haue good passage) but one flood & one ebbe, and if he cannot haue passage, then he shall goe euery day during xl. daies in the sea to the knees: But if such a felon as abiureth goe out of the high way, and flyeth to another place, if he be taken, he shal be brought before the Iudge, and there shall haue iudgement to be hangd. But if hee which so prayeth the priuiledge will not abide, then hee shall haue the priuiledge for xl. daies, and euery man may giue him

Abiuration.

Abiuration est vn serment que home ou femme pregnout quant ils ouat commise felonie, & fue al Eglise ou cimetorie, ou auter lieu priuiledge pur tuition de lour vies esliuant pluistost perpetual banishment hors de Royalm, que a estoyer a le ley, & destretre del felonie. En cel case deuant le Coroner il serra tiel confession que puit faire sufficient enditement de felonie, donques le Coroner al comon ley luy serra de abinire la Realme & assignera a luy a quel Port il alera, & luy iura que il ne va hors del hault chymyn, & que il ne demurra a le port, (si il poit auer bone passage) forsque vn flood & vn ebbe, & si il ne poyt auer passage, que il alera chescun iour duraunt xl. iours en le mere a son genu: Mes si tiel felon que abiure ala hors de la chymyn, & sua a auter lieu, si il soit prise, il serra amesne deuaunt le Iudge, & la auera iudgement destre pendus. Mes sil que issint pria la priuiledge ne voile abiure, donques il auera la priuiledge p xl. iours, & chescun poit luy

doner viand. Mes si ascun
dore luy viand apres xl.
iours, mesque il soit sa feme,
ciel doner est felonie. Auxy
cestuy que abiure sera deli-
uer per un Constable al au-
ner, & de un franchise al
auter, tanque il vient a
son port, & si le Constable
voit receiue luy, il
sera greiueusment amer-
cie. Vide Iuramentum in
tractu de abiuratione La-
tronum.

Et cest ley fait institute per
S. Edward le Confessour, vn
Roy de cest Realme deuant
le Conquest, & fait ground
de le ley de mercie, & par le
amour & reuerence, sans
doubte, qu'il & autres ses
successors porteront al me-
sage de dieu, ou lieu de pra-
ier, & administration de son
parol & Sacraments, le quel
nous appelloms Esglise. No-
sa celi ley est ore change per
Statutes 21. H. 8. cap. 2. 22. H.
8. ca. 14. & 32. H. 8. cap. 12. p.
aqueux appert, que il a cel
iour ne abiura le Realme,
ains tout son liberte de cest
Realme, & tout son liberal
& frank habitations, resorts
& passage de tous lieux de
cest Realme, a vn certaine
lieu en tel Realme a ceo li-
mit per 31. Hen. 8. cap. 13.
& 33. Hen. 8. cap. 13.
Vide plus in Stanford

ments and drinks. But if any
give him sustenance after pl.
dates, although it be his wife,
such giving is felonie. Also
he that hath abiure shall be de-
liuered from one Constable to
another, and from one fran-
chise to another, till that hee
come to his port, and if the
Constable will not receiue
him, he shall be greiueusly a-
merced. Like the oath in the
Treatise de Abiuratione La-
tronum.

And this Lawe was in-
stituted by S. Edward the Con-
fessor, a King of this Realme
before the Conquest, and was
grounded vpon the lawe of
mercy, and for the loue and re-
uerence, no doubt, that he and
other his successors did beare
vnto the house of God as place
of prayer, or administration
of his word and sacraments,
which wee call the Church.
Note, this lawe is now chan-
ged by the Statutes 21. H. 8.
cap. 22. H. 8. cap. 14. and 32.
H. 8. cap. 12. by which it ap-
peareth, that hee at this day
shall not abiure the Realme,
but all his liberte of this
Realme, and all his liberrall
and free habitations, resorts,
and passages from all places
of this Realme, to one cer-
taine place in this Realme,
thereto limited by 31. Hen. 8.
cap. 13. Like more in Stanf.
lib.

Termes of the Law

libra. cap. i. **Abridgement of a plaint**
or demand.

A Bridgement of a plaint or demand, is where one bringeth an Assise, writ of Dowry, writ of Ward, or such like, in which cases for that the writ of Assise is, de libero tenemento, or in a writ of Dowry, the writ is, Rationabilem dotem, quæ cum contingit de libero tenemento. V. her husband. And in a writ of Ward the writ is, Custod terrarum & hominum. Such as, shewing any certainty in these writs: But in the plaint of the Assise, or demand in the writ of Dowry, and in the Count in the writ of Ward, the Plaintiff or Demandant is to shew the certainty of the acres or parcels of land, then if the tenant pleadeth Nontenure, or soyntenance, or some other such like plea to parcell of the land demanded in abatement of the writ, then the Plaintiff or Demandant may challenge his plaint, or demand to this parcell, that is to say, he may leave out that part, and pray that the tenant shall answer the rest, to which he hath not yet pleaded any thing. The cause is for that in such writs the certainty is not set down,

libra. cap. i. **Abridgement of a plaint**
ou demand.

A Bridgement de plaint ou demand est lou vn port en Assise, brief de dowry, brief de gard, ou del semblables, en queux cases p ceo que le brief de Assise est, de libero tenemento, come en brief de dowry, le brief est Rationabilem dotem quæ cum contingit de libero tenemento. V. son baron. Et en vn brief de gard, le brief est Custod terrarum & hominum. Et, sans monstre aucun au certaintie en les briefes, mes en le plaint del assise ou demande en le brief de dowry, & en le couit en brief de gard, le plaintife ou demandant monstra le certaintie des acres, ou parcells de terre, la si le tenant plede Nontenure, ou lointenance ou ascun autre semblable plece a parcell del tere demandee en abatement del brief, donques le plaintife ou demandant, poit abridger son plaint, ou demand al cest parcell, & s'adire, il poit omit hors cest pe, & prie, que le tenant respondi al rest a que il ne ad vne plece asc' chose. Le cause est p ceo q en cels briefes le certaintie ne mis,

The Exposition of

mes est generalment : & nient obstant le demandant ad abridge son plaint, ou demanden part, vncore le brieve demurre bon pur le residue.

9 Accedas ad Curiam.

Accedas ad Curiam, est vn brieve direct al vicont, luy commaundant de aler a tiel court dascun Seignior ou franchise, lou vn plaint est sue pur prisel del auers come distresse, ou ascun faux iudgement est suppose destre fait en ascun suit que suit en tiel court, quel nest court de record, & que le Vicont la serra record del dit suite en presence del sutors de mesme le court, & de quatuor autres Chivalers de le Countie, & ceo recorde certifiera al Court le Roy, & a cel iour quel est assigne en le brieve.

10. Accedas ad Vicecomitem.

Accedas ad Vicecomitem est vn brieve direct al Coroner luy commaundant a deliuer vn brieve al vicont que hant vn Pone a luy deliuer, ceo suppresser Register orig. 89.

11 Acceptance.

Aceptance est vn predrance en bu gyst, & coe

but is generally : and notwithstanding the demandant hath abridged his plaint or demand in part, yet the writ remaineth good still for the rest.

Accedas ad Curiam.

Accedas ad Curiam, is a writ directed to the Sheriffe, commanding him to goe to such a Court of some Lord or franchise, where a plaint is sued for taking of beastes as a distresse, for any false judgement is supposed to be made in any suit which hath bene in such a Court, which is not a Court of Record, and that the Sheriffe shall there make record of the said suite in presence of the sutors of the same Court, and of four other knights of the Countie, and certifie it into the Kings Court, and at that day that is limited in the writ.

Accedas ad vicecomitem.

Accedas ad vicecomitem is a writ directed to the Coroner commanding him to deliuer a writ to the Sheriffe, who hauing a Pone deliuered him, suppresseth it. Register orig. 89.

Acceptance.

Aceptance is a taking in good part, and as it were an

an agreeing into some act done before, which might have bin undone and unoyded (if such acceptace had not bin by him or them that so accepted, as for example, if a Bishop before the Statute made in the first yeare of Eliz. lease part of the possessions of his Bishoprick for terme of yeares, reseruing rent & dieth, and after another is made Bishop, who accepteth, that is to say, taketh or receiveth the rent whē it is due and ought to be payd, notwithstanding this acceptance the lease is made perfect & good, whiche if the new Bishop might have well have avoided and made frustrate.

The like law is, if a man & his wife seised of land in the right of the wife, toyne and make a lease or feoffment by deed, reseruing rent, and the husband dyeth, she accepteth or receiveth the rent by this the feoffment or lease is made perfect and good, and shall have her to hyng her wite called Cui in vita.

12

Accessories.

Accessories are in two sorts by the common law and by the Statute law. Accessories by the Common Law is all so of two sorts, the one before the offence, the other af-

ter vn agreement al ascū chose fait deuant, le quel puit auer este vn fait & auoide (si tiel acceptance nad estre) per luy ou ceulx que issint accepta, sicome p exemple, si vn Euesque deuant statute fait annū primo Eliz. leste le terre part del possessions d' son Euesquerie p ans reseruant rē & morust, & puis vn aut. est fait Euesque, le quel accepta, cest adire, prist ou receiue le rent quant il est due & doit estre pay, ore p cest acceptance le lease est fait pfect & bō, le quel autrement le nouel Euesque pōit assēs bien auoid & faire frustrate.

Semblable ley est, si vn home & sa femme seisi de terres en droit del femme ioyne & font lease ou feoffement per fait reseruant rent, & le baron morust, tel accepta ou receiua le rent, per cel le feoffement ou lease est fait pfect & bon, & serra barre a luy de porter sa brieve appell Cui in vita.

Accessories.

Accessories sont en deux sorts, per le Common ley & per le Statute ley : Accessory per le Common ley est auxy en deux sorts, lun auant le fact, le autre puis

The Exposition of

puis le fait fait: Accessorie
deuant le fait, est: celuy que
commanda ou procura au-
ter de faite felonie; & nest
la present luy-mesme quant
l'auter le fait, mes sil soit
present, donques il est auxy
principal. Accessorie puis le
fait est: celuy que, recciuz,
faueur, aida, assist, ou com-
fort ascun home que ad fait
ascun murder, ou felonie,
dont il ad conusans, tiel ac-
cessorie sera punish, & aue-
ra iudgement de vie & de
member, auxy bien come le
principal que fist le felonie.
Mes tiel accessorie ne sera
iammes mis a responce a
ceo tanque le principal soit
conuict ou ataint, ou soit
velage d'ceo. En manslaughter
home ne poit estre access-
orie deuant le fait, car man-
slaughter couient ensuer sur
sodaine debate ou affray,
car si soit premeditate,
ceo est murder. *Colib. 4. fol.*

44. 4.
Mes vn feme en tiel case
ne sera accessorie pur le ar-
der de son baron. En grand
ou hault Treason cibien les
commanders, come les assi-
stors & receiders apres, sont
touts foies principals.

Si home counsel vn feme
a murder l'enfant esteant
en sa venter, & apres l'en-
fant est nee, & donque est

at the offence is done. Ac-
cessorie before the fact, is he that commandeth
or procureth another to do
felonie, & is not there present
himself when the other doth
it, but if he be present, then he
is also principal. Accessorie
after the offence, is he that
receiveth, fauoureth, aideth,
assisteth, or comforteth any
man that hath done any mur-
der, or felonie, who knoweth he
hath knowledge, such an ac-
cessorie shall be punished, and
shall have judgement of life &
member, as well as the prin-
cipall which did the felonie:
but such an accessorie shall ne-
uer be put to that till the
principal be attainted or con-
uict, or be outlawed, & strump-
tuous. In manslaughter a man
cannot be accessorie before
the fact; for manslaughter
ought to ensue upon a sod-
den debate or affray, for if
it be premeditated, it is mur-
der. *Col. 4. fo. 44.*

¶ But a woman in such case
shall not be accessorie for hel-
ping her husband. In great
or high treason alwey the com-
manders as the assisters and
receivers after, be alwayes
principals.

¶ If a man counsellet a
woman to murder the childe
being in her body, and after
the childe is borne and then is
murdered

murdered by the woman in the absence of him that so gave the counsell: yet hee is accessorie by his counselling before the birth of the infant, & not countermanding it. Dyer fol. 186. pl. 2.

Also one may be accessorie to an accessorie, as if one feloniously receive another that is accessorie to felonie, there hee receivour is an accessorie.

Accessories by the Statute is such a one that abetteth, counsaileth or receiveth any man which committeth or hath committed any offence made felonie by Statute, for although the Statute doth make mention of accessories, abettors, &c. Yet they are included by the interpretation of the sayd Statutes Stat. pl. cor. lib. c. 43. 46. 47. 48.

See more of accessories in the said booke of Pleas of the Crowne the first booke cap. 44. 45. 46. 47. 48. 49. & 50.

13

Action.

Action is the form of a suit given by the law to recover a thing, as an actio of Debt, and such like, or else it is Co. s. f. 151. a. An action is a right of prosecuting in judgement of a thing which is due unto any one.

See the Lexicon of the Law for action.

murder per le feme en le absence de cestuy que issint done le counsell, yacore il est accessory per son counselling devant le nestre del enfant & nient ceo countermandar Dyer fol. 186. pl. 2.

Auxy vn poit estre accessorie al accessorie, si come vn feloniousint receivue vn autre q est accessorie al felony, la le receivour est vn accessorie.

Accessorie per le Statute est tiel que abet counsell ou receivue ascun home que comit ou ad commit ascun offence fait felonie per Statute. Car coment que le Statute ne fait mentio daccessories, abettors, &c. yacore ils sont include per le interpretation des dits Statutes, Stat. pl. Cor. lib. 1, cap. 43. 46. 47. 48.

Vcies plus del accessorie in le dit Lieur deles Plees d'l Corone, le prim lieur, ca. 44. 45. 46. 47. 48. 49. & 50.

Action.

Action est le forme de vn suit done p le ley de recouerchole cõe action de Det, & tielx scblable. Ou come est Co. s. f. 151. a. Actio est ius prosequend in iudicio quod alicui debetur.

Vide Lexicon Iuris pur action.

Action

The Exposition of

14 Actions personnels.

ACTIONS personnels sont tiels actions per queux hom claimeth dette ou autre biens & chateux, ou damag p eux, ou damage p tort fait a son pson, & est pperment ce q en le ciuil ley, est appel actio in personam, que aduersus eum inreditur, qui ex cōtra-ctu vel dilecto obligatus est aliquid dare ou concedere.

15 Actions reals.

ACTIONS reals sont tiels action per queux le demā- dant claimeth title al ascun eres ou tenements, rent ou com- mons, in fee simple, fee taile, ou p terme de vie. Chescun action real est ou possessory, cest ascauoir de son posses- sion ou seisin demesne, ou an- cestrel se. del seisin ou posses- sion de son ancestor, Co. lib. 6. fol 3.

16 Action populer.

ACTION populer est vn action que est done sur le breach dascun penall sta- tute, le quel action chescun home que voit poyt suer pur luy mesme & le Roy, per information ou auter- ment, come le statute allow & le case require. Et de ceux

Actions personals.

ACTIONS personals be such actions whereby a man cla- meth debt, or other goods and chattels, or damage for them, or damages for wrong done to his person, and it is proper- ly that which in the ciuil law is called actio in psona, which is brought against him who is bound by covenant or defaults to give or grant any thing.

Actions reals.

ACTIONS reals be such ac- tions whereby the deman- dant claimeth title to any lands or tenements, rents, or commons, in fee simple, fee taile, or for terme of life. Es- terie action real is either pos- sessory, that is to say, of his owne possession or seisin or an- cestrel s. of the seisin or pos- session of his ancestor, Co. lib. 6. fol 3.

Action populer.

ACTION popular is an action which is given vpon the breach of some penall sta- tute, the which action cuerie man that will, may sue for himselfe and the King, by in- formation or otherwise, as the statute alloweth, and the case requireth. And of these actions

actions, there be an infinite number, but one for example, as when any of the Jury that are impanelled and sworn to pass, betwene party & party indifferently, doe take any thing of the one side or other, or of both parties to say their verdicts on that side, then any man that will within the yeare following the offence made may sue a writ called Decies tantum, against him or them that so did take to give his verdict, and because that this action is not given to one specially, but generally to any of the In. people as will sue, it is called an action popular, but in this case when one hath begun to pursue an action, no other may sue it, and in this as it seemeth, this doth varie from an action popular by the Civill Law.

13

Action mixt.

Action mixt is a suite given by the Law to recover the thing demanded, & also damages for the wrong done, as in Ass. of No. ass. the which writ (if the disseisor make a feoff. to another) the disseisor shall have against y^e disseisor, & the feoffee or other ter-tenant, & thereby shall recover his seisin of y^e land & his damages for the wrong profits, & for the wrong done unto him. And so is an action

actions il y ad infinite number, mes vn purexample est : Quant ascun del Jury que sont impanelle & iurus de passer perentier party & party indifferement, prist ascun chose de lun part ou l'autre, ou de ambideux parties pur leur verdict dire al ceo part, donques ascun hom que voit deins lan procheinie ensuant le offence fait, poit suer vn. brieve appel Decies tantum enuers luy, ou ceux que issint prist p^r leur verdict dire & pur ceo q^u cest action nest done al vn home specialment, mes generalment al ascun de les people del roy q^u voit suer, il appel vn action popular, mes en cel cas, quat vn auoit comence de poursuivre cel acc^{us} nul aut poit c^{on} suer & en c^{on} cōe s^{er}cel vary del action popular p^r le Civill ley.

Action mixt.

Action mixt est vn suite done per la ley de recouer le chose demand, & auxy damages p^r le tort fait, come en Assise d^e Nouel disseisin quel brief (si le disseisor fait scoffment al aut^r) le disseisee a uers le disseisor & le fesse du auter ter-tenant, & en ceo recouera son seisin del terre & ses damages pur le meane profits, & pur le tort a luy fait. Et issint est vn action

The Exposition of

de Wast & Quare impedit
Mes vn action de Detenue
nest appellacion mixte comr
per ceo de chose detenus est
demande, & serra recouer si
poiteste troue & damages
pur le detain, & si ne poit
estre troue, donque damages
pur la chose & la detainer.

Mes ceo est appel soleint
action personall que serra
port solement pur biens ou
chattels, ou charteri.

18 Action del briefe.

Action del briefe est vn
phrase del parlance, vse
quant vn pleide ascun
matter, per q'il n'ist que le
pl' nad cause d'auer le bre q'
il port & vncor poiteste que
il poit auer auter briefe ou
action p' mesm le matter, tiel
plee est appel plee al action
del briefe, lou si per la plee
appiert que le plaid' naue-
roit ascun cause d'auer ascun
action pur le chose demand,
donques ceo serra dit plee al
action.

19 Action sur le case.

Action sur le case est brief
port enuers vn pur ascun
offence fait sans force,
eoe p' nient performace del
promise fait per le defendat
al plaintiff ou pur parlance

of wast and Quar' imp' But
an action of Detinue is not
called an action mixt, although
by it the thing with-held is
demanded, and shall bee reco-
uered if it may be found and
damages for the withholding,
and if it cannot be found, then
damages for the thing and the
detaining. But that is called
onely an action personall, be-
cause that it should be brought
onely for goods and chattels,
or charters.

Action of a Writ.

Action of a writ, is a phrase
of a speech bled when our
pleadeth some matter, by
which he sheweth the plain-
tiff had no cause to haue the
writ which he brought, & yet
it may be that he may haue a
noter writ or action for the
same matter: such a plee is cal-
led a plee to the action of the
writ, whereas if by the plee it
should appere that the plain-
tiff hath no cause to haue an
action for the thing demanded,
then it shall be called a plee to
the action.

Action vpon the case.

Action vpon the case, is a
writ brought against one
for an offence done with-
out force, as for non-perfor-
ming promise made by the def-
endant to the plaintiff, or for speaking
of

Termes of the Law.

of words, by which the plain-
tiffe is defamed, or for other
misdemeanor; as deceit, where
the whole case shall be contain-
ed in the writ.

Action vpon the
statutes.

Action vpon the statutes, is
a writ founded vpon any
statute, whereby an action
is giuen to one in any case
where no action was before:
As where one committeth per-
iurie to the prejudice of ano-
ther, he which is indamaged
shall haue a writ vpon the sta-
tute and his cause: And the
difference betwene an action
vpon the stat. & action populer
is, that where the statute gi-
ueth the suite of action to the
party griened, for otherwise to
one person certaine, that is
called action vpon the statute.
But whereby the statute au-
thority is giuen to enery one
that will so sue, that is ter-
med action populer.

Accompt.

Accompt is a writ, and it
lyeth where a Bayliffe or a
receiver to any Lord or other
man, which ought to render
accompt, will not giue his ac-
count, then hee to whom the
account ought to be giuen,
shall haue this writ. And by
the Statute of Westminster 2.

des pöls pur queux le plain-
tiffe est defame, ou pur autre
misdemeanor ou deceit, lou
tout le case sera contenu
en le brieve.

Action sur le
Statute.

Action Sur le Statute, est
brieve foundue sur ascun
estatute, lou per ascun e-
statute action est done a vn
en ascun case lou nul tiel a-
ction fuit deuant: Come lou
vn commit periuire al preiu-
dice dun autre, celuy que est
daminie auera brieve sur le
statute & son case. Et le dif-
ference enter action sur le sta-
tut & action populer est, que
lou le statute, done le suit ou
action al partie griue, ou
autement, a vn person cer-
taine, ceo est appel action
sur le statute: Mes lou per le
statute, authoritie est done a
chescun que voyle de suer,
ceo est appelle populer.

Accompt.

Accompt est vn brieve, &
gist lou Bayliffe ou recei-
uer dascun seignior ou dau-
ter home, que doit render
accōpt, ne voit render son ac-
compt, donques celuy a que
lacompt doit estre render,
auera cest brieve. Et per le
statute de Westminster 2.

B

capitulum

The Exposition of

capitulo 10. si l'accomptant soit trouue en arrearages, les Auditours que sont a luy assignez, ont power de agarder luy a prison, la a demurer tanque il ad fait gree al J. ey. Mes si les Auditours ne voylont allower reasonable expence & costage, ou s'ils chargeront luy oue plusors receipts quant ne duissent, d'oques son procheine amy, que voit suer pur luy, suera vn brieft de Ex parte talis hors del Chancerie, direct al Vicont de prender 4. Mainpernors de rendr son corps deuant les Barons del Exchequer a certain iour, & d'garner le Seignior d'appareer la a mesme le iour.

Accord.

ACcord est vn agreement perenter deux al meins pur satisfe vn offence que le vn ad fait al autre, quant vn home ad fait vn trespassse, ou tiel semblable al autre, pur le quel il ad agreee oue luy de satis fier & content luy oue recompence, quel si soit execute & performe, donques pur ceo que cest recompence est vn pleine satisfaction pur le offence, seira vn bon barf en le ley, si l'autre apres laceord performe, voit suer acere vn action pur mesme le trespassse.

Chap. 10. If the Accomptant be found in arrearages, the Auditors which bee assigned to him, haue power to award him to prison, there to abide till hee haue made agreement to the party. But if the Auditors will not allowe reasonable expence and costs, or if they charge him with mo receipts then they ought, then his next friend that will sue for him, shall sue a writ of Ex parte talis out of the Chancery directed to the Sheriffe to take foure mainpernors to bring his body before the Barons of the Exchequer at a certaine day, and to warne the Lord to appeare there at a certaine day.

Accord.

ACcord is an agreement betwene two at the least, to satisfie an offence that the one hath made to the other, when a man hath done a trespassse, or such like vnto another, for the which hee hath agreed with him to satisfie and content him with some recompence, which if it bee executed and performed, then because that this recompence is a full satisfaction for the offence, it shall be a good barre in the law, if the other after the accord performed, should sue againe any action for the same trespassse.

Note,

Termes of the Law.

16

Nota, that the first is properly called an accord, the other a contract.

Nota que le premier est proprement appelle vn Accord le aut est vn contract.

22 Acquitall.

Acquitall.

A Quitall is where there is a Lord, mesne and tenant, & the tenant holdeth of the mesne certain lands or tenements in frankalmoin, frankmarriage, or such like, and the mesne holdeth ouer also of the Lord paramōt, or aboue him. Now ought the mesne to acquite or discharge the tenant of all and euery manner of seruice, that any other would haue or demand of him, concerning the same lands or tenements, for that the tenant must do his seruice to the mesne only, & not to diuers lords for ouer tenement or parcell of land. The same law is where there is one Lord mesne, & tenant as aforesaid, and the mesne granteth to the tenant (upon the tenure made betwene them) to acquit and discharge him of all rents, seruices, and such like: This discharge is called acquitall.

Like law is if the tenant holdeth of his mesne by like seruices, as the mesne holdeth ouer of the Lord, & the tenant doth or payeth his seruices to the mesne, but the mesne doth not his seruices to the

A Quitall est quant la est Seignior, mesne, & tenant & le tenant tient de le mesne certaine terres ou tenements in frankalmoign, frankmarriage, ou tielx semblables, & le mesne tient ouster auxy d' Seignior paramōt, ou deliuis luy. Ore doit le mesne acquit ou discharge le tenant, de tout & chescun traier de seruice, que aucun auter voit auer ou demand de luy concernant mesmes les terres ou tenements, pur ceo que le tenant doit faire le seruice a le mesne tantselement, & nemy al diuers Seigniors p vn tenement ou parcell del terie. Mesme le ley est ou il Seign mesne, & e coe auant dit, & le mesne grant a al tnt (sur le tenur fait pē eux) p acquit & discharg luy de tous rēta seruices, & tiels sēblables: cē discharge ē appel acquitall.

Mesme le ley est, si tenant tient de son mesne per autiels seruices, come le mesne tient ouster del Seignior, & le tenant fait ou paya seruices al mesne, mes le mesne ne se soit les seruices al

B a

Seig^r

The Exposition of

seignieur paramour, p. que il
distraigne les bestes del tenan:
en cel case le mesn p. le ouel-
tie de seruitues doit acquit, le
tenant des seruitues due al sir.
Auxy la est acquital en ley
& acquital en fait, acquital
en ley est, ou deux sūt appeal
ou endict de felonie, lū com
principall, laū cōe accesso-
rie, le principall esteant dis-
chargee laccessorie p. conse-
quent est auxy acquite: Et
en cest case sicome laccesso-
rie est acquite p. le ley, il sint
est le principal en fait, Staf.
pl. cor. fol. 168.

chiefs lord, wherefoze hee dis-
traineth the beasts of the te-
nant: In this case the mesne
for the equalitie of the ser-
uitues ought to acquite the te-
nant of the seruice due vnto
the Lord. Also there is ac-
quital in law, and acquital
in fact, acquital in law is
when two are appealed or in-
dicted of felony, the one as prin-
cipall, the other is accessorie,
the principal being discharged
the accessory by consequence is
also acquitted, & in this case as
the accessory is acquitted by
the law, so is the principall in
fact, Stamford. pl. cor. f. 168.

Acre.

Acre est vn certaine par-
cel de terre que containe
en longueur 40. perches &
en latitude quater perches,
ou a cest quantite soit le lo-
geure plus ou meins, Et si
vn hom voile erect vn noyel
cottage, il deuoit a. mitter
quater acres de terre a ceo,
solongue cest mesure, 3. l. E.
3. cap. 7. Et oue cest mesure
agree Monsieur Crompton en
son Iurisdiction de Courts.
fo. 222. Vncore il dit que so-
longue les diuers customes
de seūal pais, le perch distert
esteat en ascūs lieux (& plus
usualment) forsque dix six peres
& demis. Mes en le coun-

Acre.

Acre is a certaine parcell of
land that containeth in
length forty perches, and in
breadth foure perches, or of
this quantitie hee the length
more or lesse. And if a man
will erect a new cottage, hee
ought to lay foure acres of
land vnto it, according to this
measure, 3. l. E. 3. cap. 7. And
with this measure agreeth
Mastor Crompton, in his Ju-
ridiction of Courts, fol. 222.
Yet hee saith that according
to diuers customes of severall
Countreies the perch diffe-
reth, being in some places 18
most usually but extreme foot
and a halfe: But in the coun-
tie

tie of Stafford the perch is 14
foot as was heretofore adju-
ged in the exchequer in the sta-
tute made anⁱ 34. H. 8. 14. for
the sowling of flaxe, 160 per-
ches make an acre. The ordi-
nance of measuring of land
made anⁱ 34. E. 1. Stat. 1. agreth
with this account.

tie de Stafford le perch est
vint quatre pees come fuit cy
deuât adiudge, & le excheqr.
En le estat fait anⁱ 24. H. 8.
c. 4. p. embleent de flaxe 160
perches fôt vn acre lordinâce
dadmeasurément de ire fait, anⁱ
34. E. 1. stat. 1. agree ouc cest
account.

33 Acquittance.

Aquittance, is a discharge
in writing of a summe of
money, or other dutie which
ought to be payd or done: If
if one be bound to pay money
vpon Obligation, or rent re-
serued vpon a lease, or such
like, and the partie to whom
the money or dutie should bee
payd or done, vpon the receipt
therof, or vpon other agree-
ment, betwene them had, mak-
ing a writing or bill of his
hand, in discharge therof, wit-
nessing that he is payd, or o-
therwise contented, & therefore
doth acquit & discharge him of
the same, which acquittance is
such a discharge & barre in the
law, that he cannot demand &
recomer the sum or duty, again
contrary thereunto, if he shew
the acquittance.

This word differeth from
those which in the Ciuill
law bee called Accepitatio,
or Apocha, because Accep-
tatio may bee by word with

Acquittance.

Aquittance, est vn dis-
charge en escript dun
summe de money, ou autre
dutie, quel doit estre pay ou
fait: sicome vn soit obliege
de payer money sur vn ob-
ligation, ou rent reservee sur
vn lease, ou tiel semblable, &
le partie a quele money ou
dutie doit estre pay, ou fait sur
le receipt de ceo, ou sur autre
agreement perenter eux ewe
fait escript, ou bill de son
mayne en discharge de ceo,
testmoignant que il est pay,
ou autrement contēt, & pur
ceo acquite & discharge luy
de ceo, le quel acquittance est
tiel discharge & barre en la
Ley, que il ne poit demâd &
recoi^r ni le sum ou duty au-
foi^r, cōtr^a a ceo, sil poit mō-
strer le acquittance.

Cest parol differt ab
hoc quod in Iure ciuili
accepitatio dicitur, quia
illud fieri potest verbo

The Exposition of

Une scripto, & nihil aliud est quam ficta solutio & liberatio, licet solutio non sit: nec Apocha dici potest, quæ cautio est solutæ datæ: nec pecuniæ quæ non liberat nisi pecunia soluta sit.

out writing, & is nothing but a fained paymēt & discharge, though no paymēt be had. And Apocha is a writing, witness- ing the paymēt of delivery of money, which dischargeeth not, unless the money be payd.

24

Acts.

ACts de Parliamēt sont leyes positue que consist d' deux parts, cē adire de les parolx del act, & del sence de ceo, & ils ambideux ioyns ensemble sont la ley.

Acts.

ACts of Parliament, are positive Lawes which consist of two parts, that is to say, of the words of the Act, & of the sence thereof, & they both layned together make the Law.

25

Additions.

Additions, est ceo que est done al home ouster son proper nosme & surnosme, cē adire, p' monstrer, de quel estate, degree, ou mystery, il est, & de que ville, hamlet, ou county.

Additions.

Additions is that which is given unto a man ouer and besides his proper name and surname, that is to say, to shew of what estate, degree, or mysterie he is, & of what towne, hamlet, or county.

Additions de estate sont ceux, yeoman, gentlemē, Esquire, & tiels semblables.

Additions of estate are these, yeomen, gentlemen, Esquires, and such like.

Additions de degree sont ceux que nous appellomus nosmes de dignity, cōe Chivalier, Count, Marq̃s, & Dux.

Additions of degrees are these that be called names of dignitie, as Knights; Earle, Marquess, and Duke.

Additions, de mystery, sōt ceux, scriuen, painē, mason, carpē, taylor, smyth, & issint tous autres de semblable nature: car mystery ē le craft ou occupation p' que home gaine

Additions of mystery are these, scrivener, painter, mason, carpenter, taylor, smyth, & so all other of like nature: for mystery is the craft or occupation whereby a man getteth his

his living.

Additions of Towne as Sale, Dale, and such others, and so of the rest.

And where a man hath household in two places, he shall be said to dwell in both of them, so that his addition in one of them doth suffice.

By the Statute in the first yeare of H. the 5. and chapter the 5. it was ordained that in suites or in actions where proccesse of vylagary lyeth, such additions shoulde bee to the name of the def. to shew his estate, mystery, and place where he dwelleth, & that such suites shall abate, if they haue not such additions, if the defendand take exception thereto, but they shall not abate by the office of the Court.

Also Duke, Marquess, Earle, or Knight, bee none of that addition, but names of dignitie, which shoulde haue bene giuen before the statute.

And this was ordained by the said Statute made in the first yeare of King H. the 5. cap. 5. to the intent, that one man might not be grieved nor troubled by the vylarie of another: But that by reason of the certain additiō, every man might be certainly knowne, and bear his owne burthen.

son living.

Additions de villes come Sale, Dale, & tiels auters, & issint de les auters.

Et lou vn home ad household en deux lieux, il serra dit demurrer en ambideux, issint que son addic' en vn de eux suffist.

Fuit ordeine per lestatute Anno 1. Henrici 5. cap. 5. que en suites ou actions, ou proces dutlagarie gift, tiels additions serra al nosme del def. a declarer son estate, mysterie, & lieu ou il enhabite, & que tiels briefes abateront, s'ils ne ount tiels additions, si le defendant priit exception a ceo, mes ils ne abateront per office del Court.

Auxy Duke, Marquess, Counte, ou Chiualler ne sont pas ne ceux additions, mes nosmes de dignitie, queux duiffont auer estre done deuant le Statute.

Et ceo fuit ordeigne per le dit statute fait en le prim an de Roy H. le 5. cap. 5. al intēt que vn hōe ne serroit greue ne trouble per le vylagarie de vn auter: Mes que p' raison de le certaine addition, chescun home poit estre certainement conus, & portef sa burden demesne.

The Exposition of

28 Adiournement.

ADiournement est quant aſtan Court est diſſolue & determin, & assign deſtre garde arriere al autre lieu ou temps, & moy ſemble est cōpound de deux parolx (ad) ou (al) iour.

39 Admeaſurement de Dower.

ADmeaſurement d̄ dower est vn briefe, & giſt lou vn feme est endow per vn infant, ou per vn gardein de plus que deuoit auer, le heire en tiel caſe auera ceſt briefe, per quel le fem ſerra admeaſur, & le heire reſtore a le ſurpluſage. Mes ſi vn abate, ceſt adire, vn que nad droit enter apres le mort le baron, & endow la feme de ceſtuy que est mort, de plus que doit auer, le heire naura ceſt briefe, mes Aſſiſe de Mordanceſter vers la feme, & ſi el plede que el ſuit endowe de ceo terre come del frankenement ſa baron, le heire monſtre comment el ſuit endow per le abator, & que el ad plus que deuoit auer, & paiera que il ſoit reſtoſ al ſurpluſage, & ſi ſoit troue, il ſerra reſtore.

Adiournement.

ADiournement, is when any Court is diſſolued & determined, and assigned to be kept againe at another place or time, and me thinketh is compounded of two wordes (ad) or (al) and iour.

Admeaſurement of Dower.

ADmeaſurement of Dower is a writ, & it lyeth where a woman is endowed by an infant, or by gardein of more than ſhe ought to haue, the heire in ſuch caſe ſhall haue this writ, by the which the woman ſhall be admeaſured, and the heire reſtored to the ouerplus. But if one abate, that is to ſay, one which hath no right entreteth after the death of the huſband, & indow the wiſe of him that is dead, of more then hee ought to haue, the heire ſhall not haue his writ, but Aſſiſe of Mordanceſter, againſt the woman, and if ſhe plead that ſhe was endowed of the land as of the freehold of her huſband, the heire ſhall ſhew how ſhe was endowed by the abate, & that ſhe had more then ſhe ought to haue, & ſhall pray that he may be reſtored to the ſurpluſage, and if it be found ſhe ſhall be reſtored.

19 Admeasurement of
pasture.

ADmeasurement of pasture, is a writ, & it lyeth where many tenants haue common appendant in another ground and ouerchargeth the common with many beastes: Then the other commoners may haue this writ against him, and also it may be brought by one commoner onely: but then it behooueth to be brought against all the other commoners & against him that surcharged, for that all the commoners shall be admeasured.

And this writ lyeth not against him, nor for him that hath common appurtenant or common in grosse, but them which haue common appendant, or common because of distnage.

See the diuersitie of all these commons afterwards in the title of Common.

Also this writ lyeth not for the Lord, nor against the Lord, but the Lord may distraine the beastes of the tenant that be surplussage. But if the Lord ouercharge the Common, the Commoner hath no remedy by the Common Law, but an Assise of his Common.

Admeasurement de
pasture.

ADmeasurement de pasture est vn briefe, & gist lou plusieurs tenants, ont cōmon appendant en autre terre, & vn surcharge le cōmon oue plusieurs auers: Donques l'auers commoners poient auer cest briefe vers luy, & auxy poit estre port per vn cōmon solement, mes donques couient estre port vers tous l'auers commoners, & vers cesty que surcharge, pur ceo que tous les commoners serront admesures.

Et ceo bñe ne gist vers luy, ne p luy que ad cōmon appurtenant, ou cōmon in grosse, mes ceux que ont cōmon appendant ou cōmon per cause de visinage.

Vide le diuersité de tous ceux commons apres en le title de Common.

Auxy cest briefe ne gist pur le Seignior, ne vers le Seignior, mes le Seignior poit distraine les auers le tenant que sont surplussage. Mes si le Seignior surcharge le common, les commoners nont remedie per le common ley, mes vn A sise de sō cōmmon.

Admini-

The Exposition of

Administrator.

ADministrator, est celuy a que le Ordinarie commit le administration des biens le mort pur default de executor, & purluy come p executor, & serra charge ielques al value des biens le mort & nient ouster, sil ne soit per son faux plea, ou pur ceo que il ad wast les biens le mort. Mes si le administrator deuie, ses executors ne sont administrators, mes couient al Ordinarie de committer nouel administration. Mes si vn estrange que nest administratour ne executor prist les biens le mort, & administer de son tort demesne, il serra charge & sue come executor, & nemy come administrator en ascun action que est port vers luy per ascun creditor. Mes si le Ordinarie fait vn briefe ad Colligendum bona defuncti, celuy que ad tiel lett nest administrator, mes lacion gist vers le Ordinarie auxy bien come sil prist les biens en son main demesne, ou per le maine de ascun de ses seruants per ascun auter commandement.

Administrator.

ADministrator, is hee to whom the Ordinary committeth the administration of goods of a dead man for default of an executor, and an action shall lie against him, and for him, as for an Executor, & he shall be charged to the value of the goods of the dead man & no further, if it bee not by his owne false plea, or for that that hee hath wasted the goods of the dead. But if the Administrator die, his Executors be not Administrators, but it becometh the Ordinary to commit a new Administration. But if a stranger that is not Administrator nor Executor take the goods of the dead, and administer of his owne wrong he shall be charged and sued as an Executor, and not as Administrator in any action that is brought against him by any creditor. But if the Ordinary make a letter ad Colligendū bona defuncti, he that hath such a letter is not Administrator, but the action lyeth against the Ordinary as well as if hee take the goods in his owne hand, or by the hand of any of his seruants by any other commandement.

Ad.

31

Admirall.

Admirall.

Admirall is an Officer under the King, that hath authoritie vpon the sea onely, to see the Navy prepared and maintained, to suppress and chase away robbers and rovers, & to iudge of contracts betwene party and party concerning things done vpon and beyond the seas, and for that he hath his Court called the Admiraltie. He may cause his citation to be serued vpon the land, and take the parties body or goods in execution vpon the land.

And also he hath cognisance of the death or maiming of a man, committed in any great ship, fleeing in great riuers in the Realme, beneath the bridges of the same next the Sea.

Also to arrest ships in the great streames, for the voyages of the K. and Realme, and hath iurisdiction in the sayd streames during the same voyages.

32 Ad quod dampnum.

AD quod dampnum is a writ which ought to be

Admirall est vn Officer south le Roy, que ad authoritie sur le mere tantū, p veyer le Navy repaire & maintaine, p suppresser & chaser de hors estimeurs de mere, & de faire droit d'contracts perent party & party, concernant chose fait sur & ouster le mere, & p cest purpose il ad son court appel le admiralty. Il poit causer son citation destre serue sur le tr, & pnder le corps del pte ou biens en execuc' sur terre.

Item il ad cognisance del mort ou maimem de vn hom fait en ascun grand niese flectant en grand ryuers en le Realme, de base les ponts de eux procheinal mere.

Auxy pur arrest neifes en les grand streames pur les voyages del Roy & Realm, & ad iurisdiction en les dits streames, durant mesmes voyages.

Ad quod dampnum.

AD quod dampnum est vn brieve que doit estre sue

The Exposition of

que deuant le Roy grant certaines liberties. Come Faire, Market, ou tielx semblables queux poiēt estre preiudiciall al auters. Et per ceo sera inquire si serroit preiudice a granter preiudiciall eux, & a que sera preiudiciall, & que preiudiceent auicendra,

such before the King grant certain liberties: as a Fayre, Market, for such like, which may be preiudiciall to others. And bee inquired if it should bee a preiudice to grant them, and to whom it shall be preiudiciall, & what preiudice shall come thereby.

Aduent.

ADuent est vn tēps q̄ cōtain enuiron vn moys, pchein deuant le feast del nestre, de nre Sauior Christ. En q̄ il seblable, q̄ nre ancestors ont repose alē reuerēce par le p̄pinq̄uity de cel solempne feast; issint q̄ tous suits en ley suēt donques remit pur vn season. Pur quoy la dit suit vn statute ordeine West. 1. c. 48. Que nient obstant le dit solempnity, puit estre loyal, en respect de Iustice & Charity, a prender assises de Nouel disseisin, & Darreine presentment en le temps daduent, septuagesima, & quadragesima. Cest vn d̄ temps de le cōmencement de q̄l vsque a les octaues de Lepiphany, l'solemnising de espousels sont phibit de stre solempne fauns espe-

Aduent.

ADuent is a time which containeth about a Moneth next before the feast of the nativity of our Saviour Christ. In which it seemeth that our ancestors have reposed some reuerence for the neerenesse of that solempne feast, so that al suits in law near them is remitted for a season, wherefore there was a statute ordeined. West. 1. cap. 48. that notwithstanding the sayd solemnity, it might bee lawfull in respect of Justice & Charity, to take assises of Nouel disseisin, and Darreine presentment in the times of Aduent, Septuagesima, and Lent. This is one of the times from the beginning of which untill the Octaues of Epiphany, the solemnising of marriages are prohibited, to be solemnized without speciall

et all licences according to the especial licence accordant a
verles. les verles.

*Coniugium Aduentus prohibent.
Hilarisque relaxat;
Septuagena vetat, sed Pasche
octaua reducit;
Rogatio vetitat, concedit
Trina potestas.*

Aduent all Marriage forbids,
Hillaries feast to Nuptials tends;
And Septuagent no Wedding rids
Yet Easters octaues that amends.
Rogation hinders hastie Loues,
But Trinitie that Let remooues.

93 Aduowson.

Aduowson.

ADuowson is where a man
and his heires haue right
to present the clark of the
Ordinarie to a parsonage, or
their spirituall benefice when
it becometh void. And hee
which hath such right to pre-
sent is called Patron.

ADuowson est lou vn hōe
& ses heires ont droit de
presenter leur Clerke al
Ordinary al vn parsonage,
ou auē esperituall bñfice qnt
il deuient void. Et celuy q ad
tiel dñt de pñter est appell
patron.

Affectors.

Affectors.

Affectors are such as be ap-
pointed in Court leets, &c.
to mulct such as haue churles-
ted any fault which is arbi-
trarily punishable & for which
no expresse penaltie is
scribed by statuten. And
for the forme of their
Kitchin. fol. 46. If
toys in the Let rectum
titles, and beeing comman-

Affectors sont tiels que
sont designe en Court
leets &c. a mulcter tiels que
ont commis aucun peche que
arbitrairement punishable
& par quel nul expresse
penaltie est prescrite p stat.
Voies veier le forme de leur
Kitchin. fol. 46. Si les
tutors in vn leet receuēt les
articles, & estant command

The Exposition of

a responder al eux & present
& ils refuse issint a faire, dō-
que ils ferraient amercie, vn-
core l'amerçiamment de chescū
Iuror ferra afferre solonque
a son offence. Issint en assise
de Nouel disseisin, tous les
disseisors ferraient amercie, &
chescun ferra afferre a p luy.
Mes si vn ville soit amercie,
la l'assurance ferra general,
car la nest aucun certaine p
son noīn come en les cases
auantdit. Et si vn Iustice ou
Lectre taxe vn amerciamment,
ceo suffist sans aucun afferre-
ment, car l'amerçiamment est
la & del Court, & l'assurement
la & del Iurie, Co. lib. 8. f. 39.
40. b.

to answer to them and present
and the refuse so to doe, then
they shall bee amerced, yet the
amerçiamment of every Iuroz
shall bee afferred according to
his offence. So in assise of ne-
uel disseisin, all the disseisors
shall be amerced, & every one
shall bee afferred by himselfe.
But if a towne be amerced,
there shal assurance shal be gene-
rall, for there is not any cer-
taine person named as in the
cases aforesaid. And if a Jury
or Lectre taxe an amercement,
this sufficeth without any af-
ferment, for the amercinēt is
the act of the Court, and the
assurement the act of the Jury
Co. lib. 8. fol. 39. 40. b.

Age prier.

Age prier, est quant action
est port vers enfant de fre
que il ad p discent, la il mē
le matteral cours & prayera
que le acc' demurr' tākue a
son pleine age de xxj ans, &
issint p agarde de Court le
sint succellera.

Mes en briefe de dower &
en Assise, & auxy en tiels a-
ctions loū le infant est sup-
pose a vneir al terre en de
mand en son tort demesne,
il nauera sa age.

I. Auxy nota que sont plu-
sors diuersities de ages, car
le Seignieur, auera ayde

34 Age prier.

Age prier, is whē an actiō is
brought against an infant,
of lāds which he hath by dis-
cent, there hee shall shew the
matter to the court, & shal pray
that the actiō may stay til his
full age of 21 years, & so by
award of the court, the suit
shall surcease.

But in a Writ of Dower
and in Assise, and also in such
actions where the infant is
supposed to come to the land
demanded by his owne wrong
he shal not haue his age.

And note well that there
be many diuersities of ages
for the Lord shall haue ayde
of

of his Tenant in Socage for to marry his daughter, when the daughter of the Lord is of the age of vii. yeares. And also Vide for to make his son and heire a Knight, when he is of the age of vii. yeares.

Also a woman which is married at the age of ix. yeares, if her husband die seised shall haue Dower and not before nine yeares.

Also 14. yeares is the age of a woman that she shall not be in ward, if she were of such age at the time of the death of her Ancestor, but if she were within the age of 14. yeares and in ward of the Lord, then she shall bee in ward till the age of 16. yeares; and also 21. yeares is the age of the heire male to be in ward, and after that out of ward.

Also it is the age of male & female to sue and to be sued of lands which they haue or claim by descent, & to make all manner of contracts & bargain not before: but if such an infant within the age of 21. yeares giue his goods and the Dower take them, the infant may haue an action of trespass, but otherwise it is if he deliuer them himselfe. Vide Coke, lib. 3. fol. 13. a. lib. 6. fol. 3.

de son tenant en Socage pour marier sa fille quant la le Seigniores est del age de sept ans. Et auxy aide pour faire son fies & heire chivaler, quant il est del age de sept ans.

Auxy feme que est espouse al age de ix. ans, si sa baron morust seisi auera Dower, & nemy deuant ix. ans.

Auxy 14. ans est le age de feme que ne seré en gard, si el fuit de tiel age al temps del morrison Ancestor, mes si el fuit deins age de 14. ans & en gard son Seignior, donques el serra en gard tanque al age de 16. ans. Et auxy 21. ans est le age d'heire male de stre en gard, & apres ceo hors de gard.

Et auxy il ē le age de male & female de suer & de stre sue des terres, que ils ont ou claime per descent & de faire tous maners d'contracts & bargain, & nient deuant: mes si tiel enfant deins age de 21. ans donec ses biens, & le donec eux prist, le enfant poit auer vn action de trespass, mes autrement il est si deliuer eux. Vide Coke, lib. 3. fo. 13. a. lib. 6. fo. 3.

The Exposition of

35 Agreement.

Agreement, est en cē man-
ner define ou expounded
en Master Plowdens Com-
mentaries. Aggrementum,
est vn parol compoude de
deux parolx, cestascavoir, de
Aggregatio & Mentium, cest
adire agreement de ments,
isint que Aggrementum est
Aggregatio mentium in re
aliqua facta vel facienda, &
per le contraction de les
deux parolx, Aggregatio &
Mentium, & per le corrupte
& briefe parlance de eux, ils
font fait vn parol, cestascav-
oir, Aggrementum, le quel
nest autre chose, que vn vni-
on, collekte copulation &
coniunction de deux ou plu-
soursments in ascun chose
fait ou destre fait. (Veies a p̄s
en Testament.) Et cē agree-
ment est en 3. maners.

Le premier est vn agree-
ment executé en fait al cō-
mencement.

Le second est vn agree-
ment vn act fait per autre, &
est vn agreement executé
aury.

Le tierce est vn agree-
ment executorie ou destre fait en
temps vncore a venir.

Le prim, que est vn agree-
ment executé en fait al cō-
mencement, est tiel de que
mention est fait en le sta-

Agreement.

Agreement, is after this
sozt defined or expounded
in Master Plowdens Com-
mentaries. Aggrementum
is a word composed of two
words, namely, of Aggrega-
tio, & Mentium, that is to say,
Agreement of mindes, so that
agreement is a consent of
mindes in some things done,
or to be done, and by drawing
together of the two words,
Aggregatio and Mentium, &
by the haste and short pro-
nouncing of thē they be made
one word, to witte, Aggre-
mentum, which is no other
thing then a topning, putting,
coupling and knitting toge-
ther of two or moze mindes in
any thing done or to be done.
(See after in Testament.)
And this agreement is in
three manners.

The first is an agreement
executed already at the be-
ginning.

The second is an agreement
after an act done by another,
and is an agreement executed
aury.

The third is an agreement
executorie, or to be done in
time yet to come.

The first, which is an agree-
ment executed already at
the beginning, is such, where-
of mention is made in the sta-
tute

tute of 25. Ed. 3. cap. 1. of
clothes in the fourth Statute
which saith, that the goods &
things bought by merchants,
being thereof attainted,
shall be forfeit to the King. If
the buyer thereof have made
good with the seller. In which
case the word (good) which is
otherwise called agreement
executed, that is payment for
the things.

The second manner of
agreement is where one buy
a thing of another, and another
gives or assigns therewith af-
terwards, as if one buy a
disseisin to my use, and after-
wards I agree to it, which
shall be disseisin from the be-
ginning, and such agreement
is an agreement after an act
done.

The third agreement is
when both parties at one time
are agreed that such a thing
shall be done in time to come,
and this agreement is execu-
tory, in as much as the thing
shall be done after, & yet there,
their minds are agreed at one
time. But because the perfor-
mance shall be afterward and
the thing upon which the a-
greement was made, remains
to be done, that agreement
shall be said executory. And
that the Statute of 26. H. 8. cap.
3. doth prove where it saith,
that every Vicar, person, and

tute de 25. Ed. 3. cap. 1. de pan-
nisen le quart Statute que
dit, que les biens & choses
achates par marchans, que
de ceo seront attaintes, soient
forfeits au Roy, si le acheteur
en vst fait good al vedoir. En
quel case, cest parol (Grec)
que est autrement appel a-
greement sera entente a-
greement execute, viz, pay-
ment par les choses.

Le second maniere de a-
greement est ou vn fait
vn chose par autr, & vn au-
tre agree ou assent a ceo a-
pres, come si vn fait dis-
seisin a mon vfe, & apres
leo agree a ceo, or leo sera
disseisin ab instant, & tel
agreement est vn agreement
pays vn ad fait.

Le tierce agreement est
quant ambideux parties a vn
temps sont accords que tel
chose sera fait en temps a
venir, & ceo agreement est
executory, entant que le
chose sera fait apres, & va-
coré la, leur minds accord
a vn temps. Mes entant
que le performance sera a-
pres, & issint le chose sur
que lagreement fuit fait,
remaine a faire, ceo agree-
ment sera dit executory. Et
ceo le Statute de 26. H. 8. cap.
3. prouue, ou il dit, que che-
cun Vicar, Person, &

The Exposition of

ausiue, &c. pour le jour an-
cien possession ou medling
oue les profits d' leur Bene-
fice fauisthe, contenta, &c.
ou agrees a payer al vsc le
Roy les primer Fruits, &c.
Et si ascenzuel Parson, vicar,
&c. ent en actual possession,
&c. ceo agreement est desle
entend executory, come le
common usage pue: car est
vsc, que il que n. ou deux
queluy, fait deux vel trois
Obligations, peco deult pay
en certaine jour apres, & ce
agreement executory est di-
uide en deux poynts: Vn est
agreement executory que e
certain al commencement, eoe
e dit darren, deuant del prin
fruits.

L'autre est, pour le certain-
rie appiet al primes, & les
parties sont accorde que le
chose sera performe, ou pay
sur la certaine conus, come
si un rend a l'autre tout son
wheat en tel tasse en son
Barne nient thresh, & il est
agre par l'un euz, que il pay-
era p. chescun bushel 12. d.
quant il est thresh cleane, &
mesure.

Agent & Patient.
A Gent & Patient est quene
vn home est le Feasor
dun chose, & le portica que

such like, &c. before their actu-
all possession or medling with
the profits of their Benefices
shall fauisthe, contenta, &c. or a-
greed to pay to the R. the first
fruits, &c. and if any such par-
son or vicar, &c. enter in actu-
all possession, &c. this Agree-
ment is to be understood ex-
ecutory, as the common use
prooeth, for it is used that he
with one or two with him do
make time of them. Obligati-
ons for it to be payd at certain
dayes after, and this Agree-
ment executory is diuided in-
to two points. One is an a-
greement executory which is
certain at the beginning, and
is sayd last before of the first
fruits.

The other is, when the cer-
tainis both not appears at
the first, and the parties are
agreed that the thing shall be
performed or payd upon the
certainis knowen, and if one
sell to another all his robert
in such a talle of his barn whe-
thether, &c. it is agreed between
them, that he shall pay for eu-
rie bushell 12. d. when it is
threshed cleane and measured,
and understood so that he shall
pay a bushell of wheat for
another bushell of wheat, &c.
Agent & Patient is when
one is the Feasor of a
thing, and the party to whom

it is done, as where a woman endoweth her selfe of the fairest Possession of her husband. So if a man hath ten pounds tising out of certaine Land, and hes disseiseth the Tenant of the land in an Assise brought by the Disseisor, the Disseisor shall recouer the Rent in the damages, so that where the meane profits of the land in such case were to the value of thirtie pounds, the disseisor shall recouer but fixe pounds. Also if a man be indebted to another, and afterward he maketh the partie to whom he is so indebted, his Executor, and dieth, the Executor may retaine so much of the Goods of the Dead in his hands, as his owne debt amounteth unto, and by this retayner he is the Agent and the Patient, that is to say, The Partie to whom the debt is due, and the partie that payeth the same. But a man shall not be judge in his owne Case, as is resolved, Co. lib. 3. fol. 113. In Doctor Bonhams Case, That the Censors cannot be Judges, Ministers, and parties, Judges to give sentence or indgement; Ministers to make Summons, and Parties, to have the half of the forfeiture. And although that an Act of Parliament, wher

il est fait, come ou Feme endowe luy mesme de la plus beale part del Possession de sa baron. issint si home ad dix Liuers issuant hors de certaine Terre, & il disseise le Tenant del Terre, en Assise port per le disseisee, le Disseisor recouera le Rent en le dammages, issint que ou le mesme profits del terre en tiel case fuerent al value de dix troi liuers, le disseisee recouera forsque troi liuers. Auxy si home soit endettee vn autre, & puis il fait le partie a que il est issint endette, son Executour, & morust, le Executour poye reteigne rant des biens del mort en ses maines, come son Dette demesne amountera; & per ceo deteiner il est le Agent & le Patient, cest a scauoir, le partie a que le Dette est due, & le party que ceo paya. Mes home ne sera iudge en son cause demesne, come est resolué, *Co. lib. 3. fol. 113.* en Doctour Bonhams Case, Que les censors ne poyent estre Judges, Ministers & parties, Judges a doner Sentence ou Iudgement; Ministers a fayre Summons; & parties de auer le moitie del forfeiture. Et coment que Act de Parliament done
C a a aucun

The Exposition of

a ascun a tener ou de auct
conusans de tous maners
des pleas deuant luy sur-
dant deins son manoir de D.
encore il. tenera nul plea, a
que il m est party, *Quia in i-
quum est aliquem sui rei esse
iudicem.*

Ayde.

Ayde, est quant teneant a
terme d vie, tenant en do-
wer, tenant per le curtesie, ou
tenant en taile apres possibi-
lite dissue extinct est em-
plede, donques pur ceo que
ils nont que estate p terme d
vie, ils pneront ayde de ce-
stuy en le reuersion, & pro-
cesse sera fait per brieve vers
luy, de venir & pleder ou le
teneant, en defence del terre
s'il voile, mes il couient, que
ils accord en plea, car s'ils
vaient, le plea, ceste lere prise,
& donques leyd pryer est en
vaine: mes s'il ne vient al se-
cond brieve, le tenant respo-
dera sole.

Auxy teneant pur terme
de ans, tenant a volunt, te-
nant per Elegit, & tenant
per Statute Marchant au-
ront ayde de cestuy en le
reversion, & le seruant &
bayle de leur master, quant
ils ont fait ascun chose loi-

deh to any one, to hold or to
have consulance of all maners
of: things, arising before him
within his manoir of D. yet
he shall hold no plea to which
he him self is party, *Quia in i-
quum est aliquem sui rei esse
iudicem.*

Ayde.

Ayde, is when a tenant for
terme of life, tenant in
dower, tenant by curtesy, or
tenant in taile after possibi-
lity of issue extinct, is implea-
ded, then for that they have
no estate but for terme of life,
they shall pray in ayde of him
in the reversion, and process
shall be made by writ against
him to come & plead with the
tenant in the defence of the
land if he will: but it is chosen
that they agree in the plea,
for if they vary, the plea of the
tenant shall be taken, and then
the aid prayer is void, but if
he come not at the second writ,
then the tenant shall answer
sole.

Also tenant for terme of
years, tenant at will, te-
nant by Elegit, and tenant
by Statute Marchant, shall
have ayde of him in the re-
version, and the seruant and
bayle of their master, when
they have done any thing

la 20.

in so fully in the right of their master, shall have ayde.

Also this word is sometimes applyed to subsidies, as in 14. E. 3. stat. 2. cap. 1. or other times to a prestation due from the tenants to their lords as for releife due to the Lord paramount, or for the making of his sonne a knight, or for marrying of his daughter, Glan. lib. 9. c. 3.

This ayde, the King or other Lord, by the ancient law of England, may lay upon their tenants, to make his son knight at the age of sixteen yeares, or to marrie his daughter at the age of seven yeares. Regist. orig. fol. 87. and that at what rate they please. But the statute of West. 1. made Anno 3. Ed. 1. ordained a restraint for any great or large demand made by common persons, being lords, in this case, and hath tyed them to a certaine rate, and the statute of 25. Edw. 3. statute. 5. cap. 11. prouideth that the rate which is appointed by the former statute shall bee held to the King as well as to other Lords.

Ayde of the King.

Ayde of the King, is in like case as it is sayd before of a common person, and also in

alms, en le droit leur master, aueront ayde.

Auxy cest parol est ascun fois apply al subsidies, come en 14. E. 3. stat. 2. cap. 1. autre fois a vn prestation due de les tenants a leur Seigniors, come p releife due al Seign paramount, ou p le fescance de son firs chival, ou p lespousing de sa fille, Glan. lib. 9. c. 3.

Cest ayde, le Roy, ou autre Seignior, per l'ancien ley Dengleterre pait giser sur leur tenants p faire son firs, chival al age de 15. ans, & espouser sa fille al age de sept ans, Regist. orig. fo. 87. a. & a quel rate ils pleiront. Mes le statute de West. 1. fait Anno 3. E. 1. ordeine vn restraint pur ascun grand ou large demand fait per common persons, estant Seigniors, en ce case, & ad lie eux a vn certaine rate. Et le statute de 25. E. 3. stat. 5. cap. 11. prouide q le rate que est mise p le prim statute serra, tenus en le roy cy bien come en autres seigniors.

Ayde de Roy.

Ayde de Roy, est en semblable case come est dit auant de comon persos, & auxy

The Exposition of

en plusieurs autres cascs lou le Roy puit auer perde, comment que le Tenant soit Tenant en fee simple, il auera ayd, come si varent soyt demand vers Tenant le Roy, que tient en Chiefe, il auera ayd, & issint nauera de autre person.

Auxy lou vn Cite ou Borough ad vn Fee farme del Roy, & ascun chose est demand vers eux, que appertaigne al Fee farm, ils auont ayd pur le perde le Roy.

Auxy home auera ayd de roy en lieu de voucher. Auxy le Baylife, Collector, & Purueyor del Roy aueront ayd del Roy, auxy bien come les Officers de autres person.

Aile.

Alle est vn Briefe que gist lou Terre discende de layel a son Nephew, (videlicet) fitz, ou file del Fitz del Ayl, le pier esteant mort, deuant entree per luy, & vn abate, le heire auera vers le Abater cel Briefe.

Alien.

Alien est vn Subiect que est nee hors del ligeance.

many other cascs where the king may haue losse, although that the tenant be Tenant in Fee Simple he shall haue ayde, as if a rent be demanded against the kings tenet which holdeth in chiefe, he shall haue ayde, and so hee shall not of a common person.

And where a City or Borough hath a fee farme of the King, & any thing be demanded against them which belongeth to the fee farme, they shall haue ayde for the losse, of the King.

Also a man shall haue ayde of the King in the stead of Voucher. Also the kings butlife, the collector, & the purueyor shall haue ayde of the King, as well as the Officers of other person.

Aile.

Alle is a writt which lieth where land discends from the grandfather to his nephew, i. the son or daughter of the son of the grandfather, the father being dead before the writte by him, and one abateth, the heire shall haue against the abater this writt.

Alien.

Alien is a subiect which is borne out of the ligeance of

of our King, & under the legi-
ance of another: And he can-
not haue any real or personall
action concerning land, but in
every such action the tenant
or defendand may pleade that
he was borne in such a place
which is not within the kings
legiance and demand iudg-
ment if hee shall bee answer,
ed.

Every alien friend may by
the common law haue and get
within this realme, by gift,
trade, or other lawfull waies,
any treasure or personall
goods whatsoeuer, as well as
any english man, & may main-
taine any action for the same.
But land within this realme
or houses (if not for their
dwelling onely) alien freinds
cannot haue nor get, nor main-
taine any action real or perso-
nall for any land or house but
that the house be for their ne-
cessarie dwelling. An alien
enemie cannot maintaine any
action nor get any thing with-
in this Realme. And the
reasons why aliens borne are
not capable of inheritance
within England, are:

First, the secrets of the
Realme, may by this bee dis-
covered.

Secondly, the reuenues
of the Realme shall bee les-
sen and misused by strangers
borne,

de nostre Roy & desouth le
leigeance del autre. Et il ne
peut auer aucun real ou per-
sonall action concernant ter-
re, mes en chescun tel actiō
le tenant ou defendant peut
pleader qu'il fust nee en tel
pais, que nest deins le leige-
ance del roy, & demā d iudg-
ment sil terra respondra.

Chescun alien amie, peut
per le comon ley auer & ac-
quies deins cest realme, per
done, chiuissans, ou autre
loyall voyes, aucun treasure
ou biens personall quecun-
que, cibiē come aucun home
Englois, & peut mainte-
nir ascū actiō pur ycel. Mes ter-
res deins cest realm ou mea-
sons, si non solmēt pur leur
habitation, alien amies ne
peuvent auer ne acquerir, ne
mainteiner aucun actiō real
ou personall pur aucun terre
ou meafō, sinō que le meafō
ne soit pur leur necessaie
habitation. Vn aliē enemie ne
peut maintenir ascū actiō
ou acquerir ascū chose deins cest
realme. Et les raisons pur que
aliēs nee ne sont capable de
inheritance deins Angleter-
re, sūt, Primerm^e les secrets del
roialme peūēt p ceo estre con-^o

Secundment, les re-
uenues del roialme seront
prise & emioy per estrangers
acc,

C 4 Tierce

The Exposition of

Tiercementz, ceo voile tend
al destruet del roialme, Pri-
merment en le tēps de guerre
car donques estrangers poient
fortifie eux mesmes en le
cuer del roialme, & cōbustier
le cōmon weale. Secōder-
ment en le tēps de peace,
car per tiel meanes plusors
aliens nee poient acquerir
vn grand partē del inheri-
tance & franktēment del
roialme, per que la voile en-
sue vn failer de Iustice, le
supporter del cōmon
wealth, pur ceo que aliens
ne poient estre retorne de lu-
ries ne iure pur le trial de
issues parent le Roy & le
subiect ou percent subiect &
subiect, Vide Co. lib. 7. Cal-
uins Case.

Alienation.

A Lienation, idem est quod
alienum facere, ou de al-
ter, ou mitter le possession
de terre ou autre chose de
lun home al autre. Et en as-
cun cases home ad poier en
luy mesme issint a faire sans
lassent ou licence dascun au-
ter & en ascun nemy. Come
si tenant in capite alien son
estate sans conge le roy dō-
que per le statute de 1. Ed.
3. cap. 12. Vn reasonable
fine auera prise, ou al com-
mon Ley deuant le dit Sta-

Alienation, this will tend to
the destruction of the realm,
first in the time of warre, for
then strangers may fortifie
themselves in the heart of the
realm, and set in combustion
the common wealth. Secōd-
ly, in the time of peace, for
by such meanes many aliens
maye, may get a great part
of the inheritance and free-
hold of the Realme, by which
there would ensue a want of
Justice, the supporter of the
commonwealth, for this that
aliens cannot bee returned of
Iuries, nor sworne for the
triall of Issues betwene
the King and the Subject
or betwene Subject and
Subject, Vide Co. lib. 7. Cal-
uins Case.

Alienation.

A Lienation, is as much to
say, as to make a thing a-
nother mans, or to alter or put
the possession of lands or o-
ther things from one man to
another. And in some cases
a man hath power in himselfe
so to doe without the assent or
licence of any other, & in some
not. As if tenant in chiefe al-
ien his estate without the
Kings licence, then by the sta-
tute of Ed. 3. c. 12. a reasonable
fine shall be taken, where the
cōmon law before the said sta-
tute

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tute, the lands and tenements held in chiefe of the King, and aliened without licence, haue bene held forfeited. And if the Kings tenant that holdeth in chiefe, intend to alien unto C. to the vse of D. and hereupon if hee purchase licence to alien to C. and accordingly he alieneth to C. to the vse of D. which vse is not mentioned in the licence, in this case he shall pay but one fine, for it is but one alienation, Coke lib. 6. fo. 28. But if a man will alien lands in fee simple to a house of Religion, or to a bodie incorporate, it behooreth him to haue the Kings licence to make this grant or alienation & the chiefe Lords of whom such lands are held, or otherwise the land so aliened in Mortmain, shall be forfeited by the Statute of 15. R. 2. ca. 5.

tute les terres & tenemens tenus en chiefe del Roy & alien sans congee ont este tenus forfeit. Et si tenant le Roy que teigne en capite intend de aliener al C. al vse de D. & sur ceo si il purchase licence de aliener al C. & accordant il alien a C. al vse de D. quel vse nest mention en le licence, en cest case il paiera forsque vn fine car est forsque vn alienation. *Coke, lib. 6. fo. 28.* Mes si home voille aliener terres en fee simple a vn meason de Religion ou a vn corps incorporate couient a luy dauer congele Roy de faire cest grant ou alienation & de chiefe Seignours de queux tiels terres sont tenus, &c. autrement le terre issint alien en Mortmain sera forfeit per lestatute de 15. R. 2. cap. 5.

Aluageor.

Aluageor.

ALUAGEOR is an officer of the Kings, who by himselfe or by his Deputie, seeth to the Assise of all cloath that is made of wool throughout the land, and to put a seale for that purpose ordained unto them 15. E. 3. Statute 4. cap. 1. Anno 3. R. 2. cap. 2. and he is to be accountable to the King for every cloth that is

ALUAGEOR est vn officer del Roy, que per luy mesme ou per son deputie viel al Assise de tout le pane que est fait de lane per tout le terre & a mitter signets pur tiel purpose ordeignes al eux, 35. E. 3. Stat. 4. cap. 1. Anno 3. R. 2. cap. 2. & il est destre accomptable al Roy pur chescun pane que est issint

The Exposition of

issint seale en vn fee ou cu-
stome a ceo appertenant.

so sealed in a fee of custome
vnto it appertaining.

Ambidexter.

Ambidexter.

Ambidexter, est celuy que
quāt vn matt' est en suit
perent' homes, prist argent
de lun part & del autre, ou
pur labour le suit, ou tiels
semblables, ou sil soir del
Iurie pur dire son verdict.

Ambidexter, is he that
when a matter is in suit
betwene men, taketh money
of the one side and of the o-
ther, either to labour the suit,
or such like, or if hee be of the
Iurie, to say his verdict.

Amendment.

Amendment.

Amentment, est quānt
error est en le proces, les
Iustices poient ceo amēder
apres judgement. Mes si er-
ror soit en iudgement done,
ils ne poient amender ceo
mes le partie est mis al briefe
de Erreur. Et en plusours
cases lou le default appiert
en le clerke que escriia le
Record il serra amēd : Mes
tiels choses que vīent par in-
formation del party, come le
ville, misterie, & hujusmodi
ne serra amēd, car il doit
informer veray a son peril.

Amentment, is when Er-
ror is in the Process, the
Iustices may amend it
after iudgement. But if there
bee error in giving of iudges-
ment, they may not amend it,
but the partie is put to his
writ of Error. And in many
cases, where the default ap-
peareth in the clerke that writ
the Record, it shall be amēd-
ed : But such things as
come by information of the
partie, as the towne, misterie,
and such like, shal not bee a-
mēded, for hee must informe
true vpon his perill.

Amercement.

Amercement.

Amercement, pluis pro-
perment est vn penaltie
assesse per les peeres ou pares
del partie amerce, pur vn
offence fait, come pur de-

Amercement, most pro-
perly is a penaltie as-
sessed, by the peeres or e-
quals of the partie amerced,
for an offence done, as for
lacke

lack
not
that
dwell
fope,
whi
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loyn
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lacke of suit of Court, as for
not amending of some thing
that he was appoynted to re-
dresse by a certaine time be-
fore, or for such like cause, in
whiche cause the partie whiche
offendeth putteth himselfe in
the mercie of the King or
Lord, and thereupon this pe-
naltie is called Amercia-
ment.

And there is a difference
betweene Amerciaments and
fines, Kitch. 214. For fines
are punishments certaine,
whiche grow expressly from
some Statute, and Amercia-
ments are such whiche are ar-
bitrarily imposed by the Jus-
tices, the whiche Haister
Kitcher someth to confirme,
Fol. 78. in these words, The
Amerciament is assessed by
Equalls.

Also it appeareth, Coke,
Lib. 8. Fol. 19. That a fine is
alwayes imposed and assessed
by the Court, but Amercia-
ment, whiche is called in Latin
Misericordia, is assessed by the
Countie.

Another diuersitie there is,
As if a man bee conuict be-
fore the Sherif in the Coun-
tie, of a Recaption, hee shall
bee but amerced, but if hee bee
conuict of this in the Com-
mon Bench, he shall be fined,
and the reason of this diuer-
sitie is, That the Countie

fault de suit de Court, ou
pur non amend de aucun
chose que il fuit appoynt de
redresser deuant, ou pur tiell
semblable cause, en quel
case le partie que offend soy.
mist en le mercie del Roy
ou Seignieur, & sur ceo ce l
penaltieest appel Amercia-
ment.

Et la est vn difference pa-
renter Amerciaments &
Fines, Kitchin 214. Car
Fines sont punishments cer-
taine, que cresceront expres-
ment de aucun Statute, &
Amerciaments sont tiels que
sont arbitralement impose
p les affectors, le q'l M. Kit-
chen semble a confirmer, fol.
78. en ceux poix, Amciament
est affecte per pares.

Auxy il appiert, *Cok. li. 8.*
fol. 39. q vn fine est tous
foits impose & assesse p le
Court, mes Amerciament, q
est appel en Latyn, *Misericor-*
dia, est assesse per pays.

Auter diuersite la est,
come si Home soit conuict
deuant le Vicount en l'countie,
d'un Recaption, il sera
forq; amercie, mes sil soit
conuict de ceo en le Com-
mon Banke, il sera fine,
& le reason de cest diuersite
est, Que le Countie
Court

The Exposition of

Court, n'est pas Court de record & pur ceo ne poit imposer vn fine car nul Court ne poit imposer fine mes tiel Court que est Court de record, *Co. lib. 8. fol. 41. a.* Si le defendant ou tenant plead vn faux fait a luy, ou denie son fait demesne, & ceo est trouue vers luy, ou sil, *relitta verificatione cognoscit actionem*, il serra fine pur son faulxisme, *Quia certe debemus esse de proprio facto*: Mes si vn denie le fait son ancestor & ceo est trouue vers luy vncore il ne serra fine, mes amercie solement, *Quia de alieno facto*, *Co. lib. 8. fol. 60. a.* & vide plus la.

Court is not a Court of record, and therefore cannot impose a fine, for no Court can impose a fine, but such a Court as is a Court of record, *Co. lib. 8. fol. 41. a.* If the defendant or tenant plead a false deed to him, or denie his owne deepe, and this is found against him, or hee, leauing his owne verification, acknowledgeth the action, hee shall bee fined for his falsitie, because wee ought to bee sure of our owne acts: But if one denie the deepe of his ancestor, and this is found against him, yet hee shall not bee fined, but amerced onely, because it was the act of a stranger, *Co. lib. 8. fol. 60. a.* and see more there.

Amercement royal.

A Merceint royal, est quant vn Vicōr, Coroner, ou autre tiel officer del Roy est amercie p les Iustices pur son misdemeanor en le office. *Quare* si ne serra dit fine.

Amercement royal.

A Mercement royal, is when a Sheriffe, Coroner, or other such Officer of the King is amerced by the Iustices for his abuse in the Office. *Learn* if it shall not be said a fine.

An,iour, & wast.

AN, iour, & wast, est vn forfeiture, quant vn home ad fait petit treason ou felonie, & ad terres queux il tient de ascun common

An,iour, & wast.

AN,iour, & wast, is a forfeiture when a man hath committed petit treason or felonie, and hath lands which hee holdeth of some common
per

person, which shall be seised for the King, and remains in his hands by the space of one yeare and a day, next after the attainder, and then the trees shall be digged vp, the houses shall bee rased and pulled downe, and the pastures and medowes eyed and plowed vp, so that hee to whome the land should come by escheate or forfeiture doe not redeeme it of the King, a thing the more to greene the offenders and terrifie others to fall into the like, in shewing how the law doth detest their offence, so farre forth as that it doth execute iudgement and punishmēt euen vpon their dumb and dead things.

person queux setra seisi pur le Roy, & remaine en son maines per la space de vn an & vn iour procheine apres le attaind & donques les arbres serront desoffe, les measons serront rases, & les pastures, & prees ayres & plowed, si non que il a que le terre deuenera per leschete ou forfeiture, ne ceo redeem del Roy: vn chose le plus de greuer le offenders & terrifie auters de cader en au tiel, en demōstrance, cōent le ley detest lour offence, cy auant issint que il execute iudgemēt & punishmēt sur lour muē & mort choses.

Annua pensione.

Annua pensione.

ANnua pensione, is a writ by which the King hauing due vnto him an annuall Pension from any Abbot or Prior, for any of his Chapleines which hee will name vnto him, who is not prouided of a competent living, and this demandeth of the sayd Abbot or Prior for one that is named in the same writ, butill &c. And also commanding him, for the better certaintie of his Chapleins, to giue his Letters patents, to him for the same, in

ANnua pensione, est vn Brieue per que le Roy ayant due a luy vn annuall Pension d'ascun Abote ou Prior par ascū de ses Chapleins que il voile nosmera a luy que nest prouide dun compotent Benefice, & ceo demand del dit Abbot ou Prior pur vn que est nosme en mesme le Brieue jelsq; &c. Et auxy luy commandant p le meux assurance de son Chapleine a doner ses Letters patents a luy pur icel, vide F.N.B.

The Exposition of

Fitzherb. Nat. Bre. Fol 231.
 Ou poyes auxy veyer les
 nosmes de tous les Abbeyes
 & Priories que fueront lie a
 ceo, en respect delour foun-
 dation ou creation, & auxy
 par le forme des Letters Pa-
 tents visulment graunts sur
 tiel briefe.

Fitzherb. N.B. 231. Where you
 may also see the names of all
 the Abbies & Priories which
 were bound to this, in respect
 of their foundation or creati-
 on, and also for the forme of
 the Letters Patents usually
 granted upon such a writ.

Annuite.

Annuite.

ANnuite est vn certaine
 summe de money grant
 a vn auter, en Fee Simple,
 Fee Taille, pur terme de vie,
 ou pur terme de ans, a re-
 ceiuier del Grantor ou ses
 Heires, issint que nul frank-
 tenement est charge de ceo,
 de q home n'aua vnques Af-
 fise ou auē action, forsque
 Briefe de Annuite, & nest
 ascun assens al heire le Gran-
 tee a que il descendra.

La sont plusors differen-
 ces perent annuities & reūs:
 Car chescun rent est issi-
 ant hors de terre, mes vn an-
 nuite nest issuant hors del
 Terre, mes chargera le per-
 son, cestascavoir, le Gran-
 tor ou ses heires que ont af-
 fens per discent sinon q spe-
 ciall prouiso soit al contrary,
 come *Lit. Sect. 220.*

Auxy pur vn anquity nul
 action gilt forsque solement
 vn briefe de annuite vers le

ANnuite is a certaine
 summe of money grann-
 ted to another in fee sim-
 ple, fee taille, for terme of
 life, or for terme of yeares, or
 to receiue of the grantor or of
 his heires, so that no freehold
 is charged therewith, where-
 of a man shall neuer haue Af-
 fise nor other Action, but a
 writ of Annuity, and it is no
 Writ to the heire of the
 Grantor to whome it shall
 descend.

There are many differen-
 ces betwene Annuities and
 Rents: for euery Rent is is-
 suing out of land, but an An-
 nuity is not issuing out of
 land, but chargeth the person,
 that is to wit, the grantor or
 his heire, which haue Writs
 by discent, if that some spe-
 cial prouiso be made to the con-
 trarie, as *Lit. Sect. 220.*

Also for an Annuity no
 Action lieth, but only a writ
 of Annuity against the
 Grantor.

grantor, his heires or successors: and this soyle of Annuitie neuer lieth against the taker of the profits, but onely against the Grantor, or his heires, whers for a rent, the same actions lie against the tenant of the land, & sometimes against him that is taker of the rent, that is to say, against him that taketh the Rent wrongfully. Also an annuitie is not to bee taken for assets, because it is not any freehold in Law. And it shall not bee put in execution vpon a Statute. Merchant, or Statute Staple, or Elegit, as a rent may: Doct. & Stud. c. 30. *See Dy. fo. 345. pla. 2.* Also an annuitie cannot be seuered, *Co. li. 8. fo. 52. b.* according to the Writte there,

Let no Iudge himselfe endeauer Annuities or Debts to seuer.

Appeale.

Appeale is where one hath done a murder, robbery, or mayhem, then the wife of him that is slaine shall haue an Action of Appeals against the murderer, but if he haue no wife, then his next heire male shall haue the Appeals at any time within a yere and a day after the deed.

Grantor, ses Heires ou Successors. Et cest brief Dapauitie ne vngues gift vers le Pernor des profits, mes seulement vers le Grantor ou ses heites: Ou pur vn Rent mesmes les Actions gisent enuers le Tenaunt del Terre & ascun foits enuers celuy que cest pernor del Rent, ceustascavoir, vers luy que prist le rent torcioulement. Auxy vn Annuitie nest desli prise p assets, p-cco que nest ascun franksempment en Ley. Et ne sera mis en execution sur vn Statute Merchant, Statute Staple, ou Elegit, si come vn Rent puit. *Doct. & Stud. ca. 30. Vid. Dy. fo. 345. pla. 2.* Auxy vn annuitie ne poit estre seu. *Co. li. 8. fo. 52. b.* accordant al metre la,

*Annale aut debitum,
Index nec separet ipsum.*

Appeals.

Appeale est lou vn ad fait murder, robbery, ou mayhem, donqs la feme cestuy que est tue, auera vn action de Appeal vers le murderer, mes sil nad feme, donques son procheine heire male auera le appeale a ascun teps deins lan & iour apres le fait,

Et:

The Exposition of

Et auxy cestuy que est is-
sint robbe ou traymed au-
ra son appeale, & si le de-
fendant soit acquite, il reco-
uera damages vers le appel-
lour & labbenours; & ils
aueront le imprisonment
dun an, & sera fine al Roy.
Appeale de mayhem nest en
manner forsque action de
trespasse, car il ne recouera
forsque damages.

Appeales sont commence
deux voyes ou per brieve, ou
per bill: Per brieve, quant
vn brieve est parchas hors
del Chancery per vn home
vers auter home, luy com-
mandant que il appelle
vn tierce home dascun felo-
nie ou auter offence per luy
comir, & a trouver pledges
que il ceo fera oue effect,
& cest brieve est destre de-
liuer al Vicount destre re-
cord.

Appeale per bill, est,
quant vn home de luy
mesme done son accusation
dauter home en escript al
Vicount, ou Coroner &
prist sur luy le burden d'ap-
pealing cestuy que est nos-
me en le dit Escrip. Ap-
pellant est le Plaintife en
appeal.

And also he that is so robb-
ed or traymed, shall haue his
appeale, and if the Defendant
be acquitted, hee shall reco-
uer damages against the ap-
pealer and the abbenours, and
they shall haue the imprison-
ment of a yere, and shall
make fine to the King. An ap-
peale of mayhem is in man-
ner but a trespass, for he shall
recover but damages.

Appelles are commenced
two wayes, either by writ,
or by bill: By writ, when a
writ is purchased out of the
Chancery by one man, a-
gainst another man, command-
ing him, that hee shall ap-
peale a third man, of some
felonie or other offence by
him committed; and to finde
pledges that he shall doe this
with effect, and this writ is
to bee deliuered to the Sher-
iffe to be recorded.

Appeale by Bill, is when
a man of himselfe giueth his
accusation of another man, in
writing to the Sheriffe or
Coroner, and taketh vpon
himselfe the burthen of ap-
pealing him that is named in
the said writing. Appellant
is the Plaintife in the ap-
peale.

Appell

Appendant & Appurtenant.

Appendant & Appurtenant are things that by time of prescription have belonged, appertained, and are soppned to another principall thing, by which they passe and goe as accessarie to the same speciall thing, by vertue of these wordes Pertinentijs: as lands, Tenements, Commons, piscatres, wayes, Courts, and diuers such like, to a maner, house, office, or such others.

Apportionment.

Apportionment is a diuiding into parts of a rent which is due, and not entire or whole, and for as much as the thing out of which it was to be payed, is separated and divided, the rent also shall be divided, having respect to the parts. As if a man haue a house seruice issuing out of land, and hee purchaseth part of the land, the rent shall be apporportioned according to the value of the land.

So if a man haue his land of another by homage, fealty, exchange, and certain rent, if the Land of whom the

Appendant & Appurtenant.

Appendant & Appurtenant sont choses que p' temps de prescription ont belong, appertained; & sont ioynes al vn autre principall chose, ou esq; q' ils passent & va cōe accessar al m' principall chose per vertue de ceax parols Pertinentijs: come terre, aduowsons, commons, piscaries, ehimins, courts, & diu's tiels semblables, al vn Maner, maison, office, ou tiels autres.

Apportionment.

Apportionment est vn diuiding en part de vn Rent; le quel est diuidable & nient entier ou whole; & estant que le chose hors de quel il suit de ce pay, est separée & diuide, le rent auxy sera diuide; ayant respect a les parts. Sicome vn hōe ad vn rent seruice issuant hors de terres, & il purchase parcel de le terre, le rent sera apporportion accordant al value del terre.

Ainsi si hōme tient son terre d'un autre per homage, fealtie, e'cuage, & certain rent, si le Seigneur de quel le

D

terre

The Exposition of

terre est tenu par purchase par-
cell del terre le rent sera ap-
portion.

Item si home leffa Terres
pur ans, reseruant Rent, &
apres vn estrange recoupar
de le terre, donques le Rent
sera apportion, cest adire,
diuide, & le lessee paiera, ai-
ant respect a ceo que est re-
cou, & a ceo que ore remain
en ses maines, accordant al
valur.

Mes vn Rent charge ne
pout estre apportion ne cho-
ses q sont entier: Sicde vn
seigneur p service de payer
a son Seignior annuellement
a tel feast, vn Chival, Esper-
ver, vn Rose, vn Cherrey, ou
tiels semblables, la si le Sür
purchase deel de la fre, cest
service est tout ale, p ceo que
vn Chival, Esperu, Rose, ou
vn Cherrey, & tiels aus, ne
poyent estre diuide, seuered,
ou apportion, sans damage
al entierie.

Mes en ascun cases Rent
charge sera apportio, come
si home ad Rent charge issu-
ant hors de terre, & son per-
purchase parcell de les terres
charges en fee, & morast,
& cel parcell discent a son
fisque: ad le Rent charge,
ore celo Charge sera ap-
portion solonque le valur
de la terre, pur ceo que

land is holden, purchase par-
cell of the land, the rent shall
be apportioned.

And if a man let Lands for
yeares, reseruing Rent, and
after a Stranger recouereth
part of the Land, then the
Rent shall be apportioned,
that is to say, diuided, and the
Lessee shall pay, having respect
to that which is recouered,
and to that which yet remain-
eth in his hands, according
to the value.

But a rent charge cannot
be apportioned, nor things
that are entire: As if one
hold land by Service, to pay
to his Lord yearly at such a
feast, a horse, a hawk, a
Rose, a Cherry, or such like,
there if the Lo. purchase par-
cell of the land, this service is
gone altogether, because a
horse, a hawk, a Rose, a
Cherry, and such other, can-
not be diuided, seuered, or ap-
portioned, without hurt to
the whole.

But in some cases Rent
charge shall be apportioned, as
if a man hath a Rent charge
issuing out of land, and his fa-
ther purchaseth parcell of the
lands charged in fee, or by lease,
this parcell descendeth to his
son which hath the fee charge,
there this charge shall be ap-
portioned according to the va-
lue of the land, because that
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such portion of the land purchased by the father, cometh not to the sonne by his own Act, but by descent and by course of Law.

Common appendant is of common right and severable, and although that the commoner in such case purchase parcell of the land wherein the common is appendant, yet the common shall bee apporportioned: But in this case common appurtenant & not appendant, by such purchase is extinct. Coke, li. 8. fo. 79.

tiel portion de la terre purchasee par le pere ne vient au fils par son fait demesme, mes par descent, & par course de Ley.

Common appendant est de common droit & seuerable, & coment que le commoner en tiel case purchase parcel del terre en que le common est appendant, vne le common sera apporportion: mes en tiel case common appurtenant & nemy appendant per tiel purchase est extinct. Coke, lib. 8. fol. 79.

Appropriations.

Appropriations were when those houses of the Romish Religion, and those religious persons, as Abbots, Priors, and such like, had the aduowson of any Parsonage to them and to their successors, and obtained licence of their holy Father the Pope, and of the Ordinarie and King, That they themselves and their successors from thenceforth should bee Parsons there, and that it shall be from thenceforth a Vicarage, and that the Vicar shall serue the cure. And so at the beginning appropriations were made onely to those persons Spiritual that could minister the Sacra-

Appropriations.

Appropriations fuerent ceux maisons de le Romish Religion, & ceux religious persons, cōe Abbots, Priors, & tiels semblables, auoiēt le aduowson de asc Parsonage al eux & a leur successeurs, & obtaine licence de leur S. Pere le Pape, & de le Ordinarie & Roy, que ils mesmes & leur successeurs de ceo in auant doivent este Parsons la, & il sera en auant un Vicarage, & que le Vicar seruera le Cure. Et issint al commencement Appropriations fuerount faits solement a ceux persons Spirituals, que pouoient minister les Sacra-

The Exposition of

ments, & dire diuine Seruice, come Abbes, Priors, Deanes, & tiels semblables. Apres per petit & petit ils fueront enlarge & fait as auters, come nofvement al Deane & Chapter, quel est corps corporat, consisting de plufors, quel corps ensemble ne puiſſont dire diuine ſeruice, & que pluiſſuit, al Nuns que fueront Prioreſſes de aſcun Nunrie, quel ſuit choſe horrible, entant que ils ne puiſſoient miniſter Sacraments, ne preach, ne dire diuine Seruice al parochians.

Et tout ceo ſuit ſur preſſe de hoſpitalitie & maintenance de ycel. Et de ſupplier cel defects vn Vicar ſuit deuife, quel ſeroit deputie al Priors ou Deane & Chapter, & auxy al darrein al dit Abbes, & auters a dire diuine Seruice, & il aueroit pur ſon labour forſque petit portion, & il ſa quel le appropriations fueront fait reueigneront le grand reuenues, it ils ſeſoyent riens pur ceo, per meanes de quel hoſpitalitie decay en le lieu ou il doit eſtre chiefement gard, nofmemēt en le pariſh ou le benefice ſuit, & ou les profits creſſoyent, & iſſint il continue tanq; a cē iour, al

ments, and ſay diuine Seruice, as Abbots, Priors, Deanes, and ſuch like. After by little and little they were enlarged and made to others, as namely, to a Deane and Chapter, which is body corporate, conſiſting of many, which bodie together could not ſay diuine Seruice, & that more was to Nuns that were Prioreſſes to ſome nunrie, which was a wicked thing, in ſomuch as they could neither miniſter Sacraments nor preach, nor ſay diuine ſeruice to the pariſhioners.

And all this was vpon pretence of hoſpitalitie and maintenance thereof. And to ſupplie theſe defects a Vicar was deuife, who ſhould be deputy to the Priors, or to the Deane and Chapter, vntill the laſt to the ſaid Abbots, & others, to ſay diuine Seruice, and ſhould haue for his labour but a little portion, & they to whom the appropriations were made, ſhould reſtaine the greater reuenues, and they did nothing for it, by meanes whereof hoſpitalitie decayed in the places where it ought to haue been chiefly maintained, namely in the Pariſh where the benefice was, and where the profits did grow, and ſo it continued to this day, to the great

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great hinderance of learning, to the impoverishment of the Ministerie, and to the infamie of the Gospell, and professors thereof.

The Vicar shall haue a certaine portion of the Benefice, and the Abbot and the Couent shall be Parsons, and shall haue the other profits: This is called Appropriatiō, and then the Abbot and Couent shall bee Parsons imparlonees: But such Appropriation may not bee made to begin in the life of the Parson, without his assent.

And after the Church was appropriated, then was it an Incident, inseparable to the House of Religion, to which it was so appropriated: And therefore, where the Lands of the Templars in England were giuen by the generall words of an Act of Parliament of 17. Ed. 2. to the Hospitalers, it was adiudged, That the Hospitalers, by the said Act should not haue the Appropriation, for it was inseparably annexed to the Corporation of the Templars: which thing consisting in an inseparable priuilege, by the generall words of an Act of Parliament, shall not bee transferred to others. Coke, lib. 7. fol. 13. a.

But if such aduocatiōs of the

grand hinderance de erudition, al impoverishment de le Ministerie, & le infamie de le Gospel, & le professor de ycel.

Le Vicar auera vn certaine portion del Benefice, & que le Abbe & le Couent serroēt Parsons, & aueront les autres profits: cest appelle vn Appropriation, & donques le Abbe & le Couent serront Parsons imparlonees: mes tiel Appropriation ne poit estre fait a commencer en le vie le Parson, sans son assent.

Et apres Lefglise fuit appropriate, donques fuit ceo vn Incident, inseparable al Meason de Religion, a que ceo fuit issint appropriate. Et pur ceo, ou les terres des Tēplars en Angleterre fues donec per les generall parols dun Act de parliamēt de 17. Ed. 2. al Hospitalers, fuit adiudge que les Hospitalers per le dit Act naueront lappropriation, car ceo fuit inseparablement annexe al Corporation des Templars: quel chose consistant en inseparable priuilege, per general parols dun Act de parlement, ne ferra transferre al autres. Coke Lib. 7. fol. 13. a.

Mes tiel Aduocatiōs del

The Exposition of

Parsonage soit recouer per
antient title, donques la p-
propriation est adnulle. Et
est appel appropriation, par
ceo que ils teigne les profits
ad lour proper vse.

Parsonage bee reconeered by
antient title; then the Ap-
propriation is adnulle. And
it is called Appropriation, for
that they hold the profits to
their owne proper vse.

Approuer.

Approuer ou Appellor, est
ceste que ad fait ascū fe-
lonie, le quel il confesse, &
a ore appeale ou approue,
cest adire, accuse auters que
fueront coadiutors ou ay-
dōrs oue luy en fesans de
ceo, ou auters felonies, le
quel chose il voyle approu-
er: Et ceste prooue est destre
ou per bataille, ou per le
pais, a son election que ap-
proue. Ceste accusation est
plufors fois fait deuant le
Coroner, que ou est assigne
al felon per le Court, a pré-
der & recorder ceo que il
dit, ou est appel per le felon
luy mesme, & require, pur
le bon del Prince & pub-
lique weale, a recorder ceo
que il dirra. Le Serement
del Approuer, quant il cō-
mence le combat, come auxi
le proclamation per les He-
raulds, appearont en *Crompton*,
pag. vii.

Si home que est de bone
fame, soit appeale p vn Ap-
prouer, per que il est prise &

Approouer.

Approuer ou Appellor, is he
who hath committed some
felonie, which hee confesseth,
and now appealeth or appro-
ueth, that is to say, accuseth
others which were coadju-
tors or helpers with him in
doing the same, or other felo-
nies, which thing hee will ap-
proue: And this prooue is to
be either by battaile, or by the
countrey, at his election that
appealed. This accusation
is often done before the Co-
roner, who either is assigned
to the felon by the court to
take and record that which
hee sayth, or is called by the
felon himselfe, and required
for the good of the Prince
and Common wealth, to re-
cord that which hee shall say.
The Oath of the Approu-
er, when hee beginneth the
Combat, as also the pro-
clamation by the Heraulds,
appears in *Crompton*, pag.
vii.

If a man that is of good
fame, be appealed by an ap-
prouer, by which he is taken
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and kept in Prison, yet hee may haue a writ to be directed to the Sheriffe, commanding him to suffer the partie appealed to be bailed by good sureties. But if a man appealed by an Approver, bee kept in Prison, and afterwards the Approver dieth, there he may sue a writ directed to the Sheriffe, to suffer him to be bailed upon good suretie, if he be not a notorious Felon. although he be not of good fame, Fitz. N.B. 250.d.

deteigne en prison, vacore il poit auer vn briefe destre direct al Vicont luy, commandant a permettre le partie appeale destre bayle p bone Mainpernors. Mes si homt appeale per vn Approu, sois deteigne en prison, & apret le Approver deuie, la il pui sue vn briefe direct al Viscont, a permettre luy de aler a mainprise sur bone suretie, sil ne soit vn notorions Felon, comment que il ne soit de bone fame, F.N.B. 250.d.

Approuement.

Approuement, is where a man hath common in the Lords wast ground, and the Lord incloseth part of the wast for himselfe, leauing nevertheless sufficient Common, with egresse and regresse for the Commoners. This inclosing is called Approuement,

Approuement.

Approuement est lou vn home ad common en le wast terre de Seignior, & le Seignior enclose part del wast terre pur luy mesme, reuolquissant nient obstant sufficient Common, oue egresse & regresse pur les commoners. Cest inclosure est appel Approuement.

Arbitrement.

Arbitrement is an Award, determination, or iudgement which one or more maketh at the request of two parties at the least, for a upon some debt, trespass, or other controuersie had betwixt the sayd parties. And this is

Arbitrement.

Arbitrement est vn award, determination, ou iudgement, quel vn ou plusieurs font al request de deux parties al meins, pur, & sur aucun det, trespasse, ou autre controuersie ewe perenter les diits parties. Et cest appel

pel en Latin *Arbitratus*, & *Arbitrium*, & ils que font le award ou arbitrement, sont appel *Arbitri*, en Anglois, *Arbitrators*.

A chescun Arbitrement cinque choses sont incident, s. Matter de controuersie, Submission, parties al submission, arbitrors, & rendre suis del arbitrement. Dyer 217. *placito 60*. Si l'arbitrement soyt fait, que lun partie alera quit de tous actions que l'autre ad vers luy; & riens est dit des actions q'il ad vers l'autre, cest arbitrement est voyd, p' ceo que fuit fait de lun part, & nemy de l'autre 7.H.6.40.

Quant vn submission a vn arbitrement est general de tous actions, &c. & le arbitrator fait vn award solemēt de vn, vncore ceo bien poyt estoier ouc les generalite des paroles, que la ne fuit forsque, vn cause dependant perenē eux, car, *generale nihil certe implicat*. Et si le arbitrement seroit pur ceo auoyde, donc que plusors arbitremēt poient estre auoyde, car lun poyt conceale vn trespasse fait, ou autre cause d'action done a luy, & issint auoyde l'arbitrement. Auxy nul partie al ascun Arbitrement serra per ceo lie, sinon que le

called in Latin *Arbitratus* & *Arbitrium*, & they that make the award of arbitrement are called *Arbitri*, in English *Arbitrators*.

To every arbitrement five things are incident, s. Matter of controuersie. Submission, parties to the submission, arbitrors, and giuing bp of the arbitrement, Dyer 217. *pl. 60*. If the Arbitrement be made, That the one partie shall goo quit of all Actions which the other hath against him, and nothing is sayde of the Actions which he hath against the other, this Arbitrement is voyd, because it was made of the one part, & not of the other, 7.H.6. ca 40.

When a submission to an arbitrement is general of all actions, &c. and the Arbitrator makes an award only of one; yet this may wel stand with the generalitie of the words, that there was not but one cause depending betwene them, for, a generalitie implyeth no certainie. And if the arbitrement should be for this auoyded, then many arbitremēt might be auoyded, for the one might conceale a trespass done, or other cause of action giue into him, & so auoid the arbitrement. Also no partie to any arbitrement shalbe by it bound, vnlesse that the award

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as it is Coke lib. 3. fol. 103.
See Coke lib. 3. fol. 98.

agard soit a luy deliū, come
est Coke lib. 3. fol. 103. *Vide*
Coke lib. 3. fo. 98.

Array.

Array.

Array is the raking or ordering of a Jurie, or Enquest of men that are impanelled vpon any cause, 18. H. 6. ca. 14. from whence commeth the Verbe, to array a pannel, Old N. B. fol. 157. That is to say, to set forth one by another the men that are empanelled. The array shall bee quashed, ibid. By statute euerie array in Aſſiſe ought to bee made foure dayes befoze, Br. tit Pannel, nu. 10. To challenge the array, Ky. 92.

Array est le disposiſing ou ordering dun Iurie, ou Enquest de homes, que sont impanel sur ascun cause, 18. H. 6. ca. 14. de que vient le verbe, al arayer vn pannel, Vet. N. B. fo. 157. Cest adire, a mitter hors vn per auter, les homes que sont empanel. Le array serra quash, ibid. Per statute, chescun array en Aſſiſe deuoit destre fait quater iours deuauant. Brook. tit. Pannel num. 10. A challeng' le array. Ky. 92.

Arraine.

Arraine.

Arraine is to put a thing in order or in his place: As he is said to arraine an Aſſiſe of Nouel Diſſeiſin in a Countie in which it ought to bee brought for triall befoze the Iustices of that Circuit, Old N. B. fol. 109. And in such sence M. Lit. hath vsed the same word, The Lesſee arraineth an Aſſiſe of Nouel Diſſeiſin. Also a prisoner is sayd to be arraigned, when hee is indicted and put to his triall

Arraine, est a mitter vn chose en order, ou en son lieu: Sicome il est dit al arrain vn briefe de Nouel Diſſeiſin en vn Countie en q il deuoit estre port pur triall, deuant les Iustices de cel circuit, Vet. N. B. fo. 109. Et en ad ſence M. Little. ad vse mesme le pol, Le Lesſee arraign vn Aſſiſe de Nouel diſſeiſin. Auxy vn prifoner est dit desti arraigne, qnt il est indict & mis a son trial.

Ar-

The Exposition of

Arrest.

Arrrest est quant vn est pris & reſtraine a ſon libertie. Nul ſerra arreſt pur det, trespaiſſe, detinue, ou autre cauſe de action, mes per vertue dun precept, ou commandement hors de aſc' Court. Mes pur treason, felonie, ou debruſer del peace, cheſcun home ad auctoritiede arreſter ſans garrantie ou pcept. Et lou vn ſerra arreſt pur felonie, il couient que aſcun felonie ſoit fait, & que il ſoit ſuſpect de meſme le Felonie, ou autrement il poet aũ enũs luy q' iſſint luy arreſt, vn brieſe de faux imprisonment. Et quauant aſcun home eſt arreſt pur Felonie, il ſerra ameſne a le Gaile, la a demurr' tanque al pchein Session p' ee indiſt, ou p' eſte deliuer p' Proclamation.

Arrerages.

Arrerages ſont duties arere nient pay apres le iours & temps en quel ils ſueront dues, & doyent auer eſtre payes, ſoyent ils rent de manor, ou aſcun autre choſe reſerue.

Arrest.

Arrrest is when one is taken and reſtrained from his libertie. None ſhall bee arreſted for Debt, Trespaiſſe, Detinue, or other cauſe of action, but by vertue of a Precept or commandement out of ſome Court. But for Treason, Felonie, or breaking of the Peace, every man hath authoritie to arreſt without Warrant or Precept. And where one ſhall be arreſted for Felonie, it behooveth that ſome Felonie bee done, and that he be ſuſpected of the ſame Felony, or otherwiſe he may haue againſt him that did ſo arreſt him, a writ of Faſle Imprifonment. And when any man ſhall bee arreſted for felonie, he ſhall be brought to the Gaile, there to abide until the next ſeſſions for to bee indicted, or for to be deliuered by Proclamation.

Arrerages.

Arrerages are duties behind unpaid after the dayes and times in which they were due and ought to haue bene payd, whether they be rent of a Manor, or any other thing reſerved.

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Arretted.

A Rretted is hee that is con-
uenced before any Iudge,
and charged with a Crime.
Sometimes it is vsed for
imputed or layd vnto, as, no
follic can bee arretted to him
that is within age, Lit. Cap.
Remit. This word may bee
sayde to come of the Latyne
word Rectus, for Maister Bra-
cton hath this phrase, Ad re-
ctum habere Malefactorum, so
that he may bee charged & put
to his triall. And in another
place he saith, Rectatus de
morte hominis.

A Rretted est cesty que est
appel deuant asc' Iudge,
& charge oue vn crime:
Ascun foits ceo est vse pur
impute ou layde vnto, si-
come nul folly puit estre ar-
rer a luy que est deins age,
Lit. Cap. Remit. Cest parol
poyt estre dit a vener del La-
tine parol Rectus, Car Mon-
sieur Bracton ad cest phrase,
Ad rectum habere malefacto-
rum, issint que il poir estre
charge & mis a son trial. Et
en autre lieu il dir, Rectatus
de morte hominis.

Affart.

Affart.

Affart is an offence com-
mitted in the Forrest, by
pulling vp by the rootes, the
woods which are Thickets
or courts of the Forrest, and
by making of them as plaine
as the arrable Land. This
Affart of the Forrest is the
greatest offence or Trespasse
of all others that can be done
in the Forrest, to Vert or Ve-
nison, containing in it, Wast,
or more: For where wast of
the Forrest is nothing but
the felling and cutting down
of the couert Wood, which
may in time grow againe,

Affart est vn offence com-
mit en le Forest per ar-
rachement le boys que sont
Thickets ou couerts del Fo-
rest, & per seafance de eux
cy plaine come le terre arra-
ble. Cest Affart del Forest,
est le pluis grand offence ou
trespasse de tous autres
que puit estre fait en le Fo-
rest, al vert ou Venison, con-
teignant en ceo Wast, ou
pluis: Car ou wast del Fo-
rest nest forsque le felling &
succiding del couert boys
que poert & temps recreesceer ;
Vn

The Exposition of

Vn Assart est vn attachmēt per le root, p que ils ne vn-ques poient crescer arere, *M. Manwood, part. 2. cap. 9. nu. 1.*
Vn brieft de Ad quod damnum poit estre agard, ou vn home voile sue pur vn licēce daſſer ſon terre deins le forest, & fair c' ſeueral p agriculture, iſſint que neſt aſcun offence ſil ſoit fait p licēce, *Reg. orig. fo. 257.*

An Assart is a pulling vp by the root, by which they can neuer grow againe, *Maister Manwood, part. 2. cap. 9. nu. 1.*
A brieft of Ad quod damnum may bee aſſoarded, where a man will ſue licence to aſſart his land within the Forest, and make it ſeueral for Tillage, ſo that it is no offence if it be done by licence, *Regist. orig. fol. 257.*

Assets.

Assets est en deux ſorts, lun appel, *Assets per diſcent, lauter, Assets enter maines.*
Assets per diſcent est, lou vn home est oblige en vn Obligation, & moruſt ſeiſie de terres en Fee ſimple, queux diſcend a ſon heire, donques ceſt Terre ſerta appel Assets, ceſt adire, ſufficient de payer ceſt dette, & p ceſt meanes le heire ſerra charge cy auant que le terre iſſint a luy diſcend voil ſtretch, mes ſil ad alien deuant que l'obligation ſoit miſe en ſuite, il est diſcharge.

Auxy quauant vn home ſeiſie de terre en Taile ou endroit de ſon ſeme, alien ceo oue Garrantie, & ad en value tant Terre en fee ſimple, que diſcende a ſon heire, que est auxy heire

Allers.

Assets is in two ſorts, the one called, Assets per diſcent, the other, Assets enter maines: Assets per diſcent is where a man is bound in an Obligation, and dieth ſeiſed of lands in Fee Simple, which diſcend to his heire, then his land ſhall bee called Assets, that is to ſay, enough or ſufficient to pay the ſame debt, and by that meanes the heire ſhall bee charged as far as the Land ſo to him diſcended will ſtretch. But if he haue aliened beſore the Obligation be put in ſuit, hee is diſcharged.

Also when a man ſeiſed of lands in taile, or in the right of his wiſe, alieneth the ſame with warrantie, and hath in value as much Lands in Fee Simple, which diſcendeth to his heire, who is alſo heire

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in taile, or heire to the woman: Now if the heire, after the decease of his ancestor, buyng a writ of Formdon, or Sur cui in vita, for the land so aliened, then hee shall be barred, by reason of the warrantie, and the land so descended, which is as much in value as that was sold, and so thereby hee hath received no prejudice: and therefore this land is called, Affets per Descend.

Affets enter Maines is when a man indebted (as before is said) maketh executors, and leaueth to them sufficient to pay, or some commoditie or profit is come vnto them in right of their testatour, this is sayd Affets in their hands.

en taile ou heire al femes: Or si le heire apres le mort son ancestor port vn Brieue de Formdon, ou Sur cui in vita, pur le terre issint alien, donques il serf barre, per reason dun garrantie, & le terre issint descend, que est tant en value come ceo que fuit vende, & issint per ceo il nad receiue a'cun prejudice: & pur ceo cest terre est appel Affets per Descend.

Affets enter Moines est, quant vn home endet, come deuant est dit, fait executors & relinquit a eux suffisie de payer ou ascū cōmoditie ou profit est venus a eux en droit leur testatour, cest appel Affets en leur maines.

Assignee.

Assignee.

Assignee is hee, to whom a thing is appointed or assigned to be occupied, paid, or done, and is also called such a person, which occupieth or hath the thing so assigned in his owne right, and for himselfe: And of Assignees there be two sorts; namely, Assignee in Deed, & Assignee in Law.

Assignee in Deed, is when a Lease is granted to a man or to his assignees, or with these words assignees, and

Assignee est celuy, a que vn chose est appoint ou assigne d'este occupie, pay, ou fait, & est tous foits tiel person, que occupie ou ad le chose issint assigne en son droit demesne & par luy mesme: Et de Assignees il y sont 2. sorts, nosment, Assignee en Fait, & Assignee en Ley.

Assignee en Fait, est quant vn Lease est graunt a vn & a ses Assignees ou sans ceux polys, Assignees, &c.

The Exposition of

le grantee donc, graunt ou vende le dit Leas al auter; il est son Assignee en fait. Assignee en ley est chescun executor nisme per le testator son testamēt : come si vn Leas soit fait al vn home & a ses Assigneez (sicome est auantdit) & il fait ses executors & moruēt sans assignement del Leas al ascū auter ; Ore les executors auera mesme le Leas pur ceo queils font ses Assignees en Ley. Et issint est en auters semblables cases.

the grantes giueth, graunteth
or selleth the same lease to an
other, yet is his Assignee
deed. Assignee in Law is
every Executor named by the
testator in his testament. As
if a lease bee made to a man
and his Assignes (as is a-
foresaid) and hee maketh his
executors, and dieth without
assignment of the lease to
any other: Now the execu-
tors shall haue the same lease,
because they are his assignes
in Law: And so it is in other
cases.

Assise.

Aliffe est vn Brieft, & gift
ou ascun home est mis
hors de son terre, ou tene-
ments, ou de ascun profit
aprender en certaine lieu, &
issint disciſſe de son frank-
tenement. Franktenement
a ascun home, est lou il est
seſſe de terres ou tene-
ments, ou profit a prendre
in Feeſimple, Feeſſaile, pur
terme de son vie demesne,
ou pur terme dauter vie.
Mes teneant per *Eligdi*,
Tenaunt per *Statute Mer-*
chant & Statute Staple poy-
ent auer Aliffe, comẽt que
ils nont Franktenement, &
ceo est ordaine per diuers
Statutes.

Artific.

Assise is a writ, and it
lyeth where any man is
put out of his lands, ten-
ements, or of any profit to be
taken in a certain place, and
so dissolved of his freehold.
Freehold to any man, is
whereby he is seized of lands
and tenements, or profit to
be taken in fee simple, fee
taille, for terme of his owne
life, or for terme of another
mans life. But the tenant
by Elegit, tenant by Statute
Staple Merchant, and Statute
Staple may have Wills
howbeit that they have
no Freehold, and this is
expressed by divers Statutes.

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If in an assise it is need-
full alwayes that there be
one disseisor and one tought,
or otherwys the writ shall
abate.

Auxy ch Assise il couient
tours soit que il soyt un
Disseisor & un Tenaunt, ou
autrement le Brieve aba-
tera.

If where a man is dissei-
sed, and recouereth by Wille
of Nouel Disseisin, and after-
ward is againe disseised by
the same Disseisor, hee shall
haue against him a writ of
Redisseisin directed to the Sher-
iffe to make inquisition, and
if the redisseisin be found, hee
shall be sent to prison. Also if
one recouer by Wille of Mort-
dauncester, or by other Iuris
or default, or by reddition,
and if he be another time dis-
seised, then hee shall haue a
writ of Post disseisin, and hee
which is taken and impri-
soned for redisseisin, shall not
be deliuered without speciall
commandment of the King,
By the Statutes thereof,
Merton cap. 3. Marlebridge
cap. 8. & Westm 2. cap. 26.
There is also another Wille,
called Wille of Fresh Force,
and lieth where a Man is
disseised of tenements which
are diuisable, as in the Citie
of London, or other Bo-
roughs or Townes that be
franchises, then the Defen-
dant shall come into the court
of the Lord of the same, and en-
ter his plaitte, and shall haue
a writ directed to the Sher-
iff.

Auxy ou un home est
disseise, & recouera per
Assise de Nouel Disseisin, &
puis est auterfoits disseise
per mesme le Disseisor, il
auera vers luy un Brieve de
Redisseisin direct al Viscont
de faire inquisition, & si
trouue soit le Redisseisin, il
sera mis en prison. Auxy si
homerecouera per Assise de
Mortdauncester, ou per au-
ter Iurie, ou per default, ou
reddition, & si soit auter-
foits disseise, il auera don-
ques un Brieve de Post dis-
seisin, & cestuy que est pris
& imprison pur redisseisin,
ne sera deliuer sans especial
comandement le Roy. Vide
les Estatutes inde, Merton,
cap. 3. Marlebridge, cap. 8.
& Westm 2. cap. 26. Auxy il
est un auter Assise de Fresh
force, & gist lou home est
disseise de Tenements qux
sont deuisables, come en le
Cite de Londres, ou auter
Boroughs ou villes que sont
Esfranchises, donques le
Defendaunt viendra en le
Court del dit Ville, & en-
tra son playnt, & auera
un Brieve direct al Ma-
ior,

The Exposition of

for, or Bailiffs, &c. and thereupon shall passe a Jurie in manner of Affise of Nouel Disceisin. But it behooveth that he doe enter his plaint within fortie dayes, as it is sayd, or otherwile he shall be sent to the Common Law. And if the Officers delay the execution, then the plaintife shall haue another writ to haue execution, and a Sicut alias, & a Pluries, &c. See Litcap Rents, Affise is a word of two significations, &c.

Affise de darreine presentment.

Affise de darreine presentment, looks thereof in the title Quare impedit.

Affise de Mortdunceffer.

Affise de Mortdunceffer. Looks thereof in the title Collage.

Association.

Association is a Patent sent by the King, either at his owne motion, or at the suit of the Partie Distincte, to the Iudices of Affise, to haue other persons associated to them to take the

ior ou Baylifes, & sur ceo passera vn Iurie en manner de Affise de Nouel Disceisin. Mes il couient que il enter son pleint deins quadragaint iours, vt dicitur, ou autrement il serra misse a le common Ley. Et si les Ministres delay execution, donques le plaintife auera vn autre briefe d'auer execution, & Sicut alias & vn Pluries, &c. Vide Littleton cap. Rents, Affise est nomine equiuocum, &c.

Affise de darreine presentment.

Affise de darreine presentment. Vide de ceo apres tit. Quare impedit.

Affise de Mortdunceffer.

Affise de Mortdunceffer. Vide ceo apres titulo Collage.

Association.

Association est vn Patent mis par le Roy, ou de son motion demesme, ou a suite del partie plaintif, a Iudices de Affise pour auoir autres persones associées a eux de prendre le

Affise

affise: Patent of affise will send Iustices manding them that

If the Iustices terwards there the Patent to a tion, to the two, that is de which then to the two are aline, N.B. 185.

AD

A Sumptuous promise by which and taketh persons to another containeth promise mutation, Harris expends account of the Commission missionem Sponsonem of Constit

assise: And upon this patent of association, the King will send his writ, to the Justices of assise, by it commanding them to admit them that are so sent.

If the King makes thre Justices of assise, and afterwards one of them dyes, there the King may make a patent to another of association, to associate him to the two, in place of him that is dead, and a writ, which shall be close, directed to the two Justices, that are alive, to admit him. F. N. B. 185.

assise: Et sur ceo patent de association, le Roy mandera son Briefe as Justices assise eux commaundant per icel de eux admitter que sont ffitz mis.

Si le Roy fait trois Justices de assise, & puis l'un de ceux deuie, ore le Roy peut faire vn patent a vn autre d'association, de associer luy a les deux, en lieu de celui que est mort, & vn Briefe, que sera close, direct a les deux Justices que sont en vie, de luy admitter. *Fi. N. Br. 185.*

Assumpsit.

Assumpsit is a voluntarie promise made by word, by which a man assumeth and taketh upon him to performe or pay any thing to another. This word containeth in it any verbal promise made upon consideration, which the Civilians expresse by many words according to the nature of the promise, calling it *conventum*, *Pactum*, *promissionem*, other times, *Sponsionem*, *Pollicitationem*, or *Constitutum*.

Assumpsit.

Assumpsit est vn voluntarie promise fait per parol; per que home assume ou prist sur luy a performier ou payer ascun chose al autre. Cest parol contene en ycel, ascun verball promise fait sur consideration, que les Civilians expresse p plusieurs parols accordant al nature del promise, ceu appellee ascū foits, *Pactum*, *Promissionem*, autre foits, *Sponsionem*, *Pollicitationem*, or *Constitutum*.

E Attach.

The Exposition of

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attaching one to another
obtemper

Attach.

An *Attach* est vn prisure ou apprehending per command ou Briefe. La font ascuns differences presenter vn arrest & vn attachment, car vn arrest procede hors del inferior courts per Precept, & attachment hors del superior courts per Precept ou Briefe, *Lamb. Eiren. lib. 1, cap. 16.* Auxy vn arrest gist solement sur le corps d'un home, ou vn Attachment est ascun foits sur ses biens solement, come Mounseur *Kit. fo. 279. b.* dit, que home poit attach va vache, & en auter lieu, que home poit estre attach per 100. barbits, Et il est ascun foits agard sur le corps & biens ensemble al vn & mesme le temps.

Attachment differt a vn *Capias*, car Mounseur *Kit. fo. 79. b.* ad ceux parols; Nota que en Court Baron home ferra attach per biens, & ne isslera *Capias* la: Per que il semble que attachment est plus general, extendant al prisure des biens, ou *Capias* extende al prisure del corps solement.

Auxy vn Attachment differt a vn distress, & ceo

Attach.

An *Attach* is a taking or apprehending by command or writ. There are some differences between an arrest and an attachment, for an arrest proceedeth forth out of the inferior courts by Precept, & attachment out of the superior courts by Precept or writ, *1. am. Eiren. lib. 1. ca. 16.* Also, an arrest lyeth onely vpon the bodie of a man, where an attachment is sometimes vpon the goods onely, as *M. Kit. fol. 279. b.* saith, That a man may attach a cowe, and in another case, That a man may be attached by an 100. sheep; And it is sometimes awarded vpon the bodie & goods together at one and the same time.

Attachment differt fro a *Capias*, for *M. Kit. fo. 79. b.* hath these wordes; Note that in a Court Baro a man shall be attached by goods, & a *Capias* shall not go out thence: By which it seemeth, that attachment is more generall, extending to the taking of goods, where a *Capias* extends to the taking of the body onely.

Also an attachment differeth from a distress, & this appea

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appeareth by Kyt. fol. 78. a. where he saith, *Proceſſe* in court Baron, is *Summons*, *Attachment*, and *Distress*, which are *Proceſſes* at the Common Law.

There is also an *Attachment* of *Priviledge*, which is two fold, either giving power to apprehend a man in a place *priviledged*, or by virtue of an office or *priviledge*, as to call another to that court to which he himself belongeth, and in respect of which he is *priviledged*, New booke of Entries, fol. 431. a.

And there is a *Proceſſe* called a *foraine Attachment*, which is used to attach the goods of *Forainers* found within any *Libertie* or *Citie*, for a debt due to the party himselfe. And by the custome of some places, a man may attach goods in the hands of a stranger, as *A.* oweth to *B.* 10. pounds, and *C.* oweth *A.* another summe of money, *B.* may attach the goods of *A.* in the hands of *C.* to satisfy himselfe in part or all, as he debt is.

Also there is attachment of the Forest, which is a Court there held every thirde dayes throughout the year: In which the Tre-

aspiert per Kyt. fol. 78. a. ou il dit, *Proceſſe* en Court Baron est *Summons*, *Attachment*, & *Distress*, que son *Proceſſal* Common Ley.

La est auxy vn *Attachment* de *Priviledge*, & ceo est en deux maniers, ou donnent poyer dapprehender vn home en vn lieu *priviledge*, ou per virtue dun Office & *priviledge*, come deappeller vn aurer a cel Court a que il mesme est *Attendant*, & en respect de quel il est *priviledge*, Noel liuer Dentries, fol. 431. a.

Et la est vn *Proceſſe* appel *Foraine Attachment*, que est use al attacher les Biens del *Forainers* trouue deins aucun *Libertie* ou *Citie*, pur vn det due al partie mesme. Et per le custome dascuns lieux, home poyt attache Biens en les maines dun *Estraunger*: Come si *A.* devoit al *B.* 10. liuers, & *C.* devoit al *A.* vn aurer summe d'argent, *B.* poit attacher les biens de *A.* en les maines de *C.* a luy satisfaire ou en part, ou en tout, come le det est.

Auxy la est *Attachment* del Forest, que est vn Court la tenuz chescun 40. iours tout le an: En que le Ver-

The Exposition of

deors nont aucun authori-
tie forsqe de receiuer &
inroller les attachments del
offendeurs encounter Vert
& Venison prise per les au-
tert Officers, que ils poyent
estre present al pche ne Ju-
stice seat en Eyre, *M. Man-
wood, part. 1. p. 93.*

deors haue not any authori-
tie but to receiue and inrolle
the Attachment of offenders
against Vert and Venison,
taken by the other Officers,
that they may bee presented
at the next Justice seat in
Eyre, *Master Manwood, pt. 1.
p. 93.*

Attainder.

Attainder est vn conui-
ction d'aucun pson dun
crime ou fault, dont il ne
fuit conuict deuant : sicome
vn home fait Felonie, Trea-
son, ou tiels emblables &
de ceo est indiç, arraigue, &
troue gultie, & ad iudge-
ment, donques il est dit de-
ste attaint, & ceo poet eke
deux voyes, l'un sur appa-
rance, l'autre sur default : le
attainder sur apparence, est
par confession, battell, ou ver-
dict, le attainder sur default
est per processe rang, il soit
vilage.

Attain.

Attain, est vn briefe,
& gift lou faux Ver-
dict est done per douze
homes, & iudgement done
sur ceo, donques le par-
tie vers que ils auoient pas,

Attainder.

Attainder is a conuiction
of any person of a crime
or fault, wherof hee was
not conuict before : As if a
man haue committed Felony,
Treason, or such like, and
thereof is conuicted, arraig-
ned, and found gultie, and
hath iudgement, then hee is
sayd to be attained : and this
may be two wayes, the one
by apparence, the other by
default : the attainder by ap-
parance is by confession, bat-
tell, or verdict, the attainder
by default is by processe,
wherof hee is outlawed.

Attaint.

Attaint is a writ, apply-
ed wherofe false Verdict
is giuen by twelve men, and
iudgement given thereon,
that the partie against
whome they haue passed,
shall

shall be
the twelve
they be
tried by
the false
twelve men
then the
That they
be tryed
then do
ned by a
and true
the King
gainst
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So the
Attaint a
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A

Attenda
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shall haue a writ against
the twelve men, and when
they be at issue it shall be
tried by 12. Jurors, and if
the false verdit be found, the
twelve men be attaint, and
then the iudgement shall be,
That their heades shall be
eyed, their houses bro-
ken down, their woods tur-
ned by, and all their lands
and tenements forfeited to
the King, but if it passe a-
gainst him that brought
that attaint, hee shall be im-
prisoned, and grievously
ransomed at the Kings will.
So the Stat. 2. H. 8. ca. 3.
Attaint also is when iudg-
ment is giuen in treason or
felonie.

lauera cest Briefe vera les
douze homes, & quauant ils
sont a issue, il serra trie per
vint quater Iurors, & si
faux verdit soit trouue, les
douze Iurors sont attaint, &
donques le iudgement serra,
Que leur prees seront Eys,
leur meafons debruses, leur
boyes subuerbes, & tous
leur terres & tenements for-
feit al Roy: mes sil passa en-
counter celuy que port cest
attaint, il serra imprison, &
griueusement ransome al
volunt le Roy. Vide le Sta-
tute 23. Hen. 8. ca. 3. Attaint
auxy est quauant iudgement
est done en Treason ou Fel-
lonie.

Attendant.

Attendant.

Attendant is where one
oweth a dutie or seruice
to another, as if it were de-
pendeth vpon another: As
if there bee lord, mesne, & te-
nant, the tenant holdis of the
mesne by a peny, the mesne
holdeth ouer by the peny,
the Mesne releaseth to the
Tenant all the right which
he hat in the land, & the te-
nant dieth, his wife shall be
endowed of the land, and she
shall be attendant to the heire
of the first part of 1. d. and
not of the third part of 2. d.
for he shall be endowed of the

Attendant est ou vn doye
vn dutie ou seruice al
auter, ou come il fuit depend
sur auter: Come si la soyt
Seignior, Mesne, & Tenant,
le Tenaunt nient del mesne
per vn denier, le Mesne tient
ouer per deux deniers; le
mesne releafe al Tenaunt tout
le droit que il ad en le terre,
& le Tenaunt morust, sa femme
serra endow del terre, & el
serra attendant al heire del
tierce pt dun denier, & nemy
del tierce part del deux deni-
ers, car el serra endowe del
mieux

The Exposition of

meux possession de la baron.
Auxy ou le Feme est endow
per le gardian, el serra atten-
dant al gardian, & al heyre a
son pleine age.

best Possession of her hus-
band. Also where the wife
is endowd by the Gardian,
she shall be attendant to the
Gardian, and to the heire at
his full age.

Attorney.

Attorney, est vn designe
per autre home, a faire
ascun chose en son lieu: Et
Mounseur *West* luy issint ad
desine: Attorneys sont tiels
persons que per consent,
commandement, ou request,
caucōe, viert al, & pndront
sur eux le charge de besoignes
de autres homes en leur ab-
sence, p queux ils sont com-
mand ou request.

Et, ou il semble, que en
antient temps, ceux de au-
thoritie en Courts, ont auer-
geo en leur arbitrement, ou
ils voilont permettre homes
de appareir ou suer per as-
cun autre que eux mesmes,
come appiert per *Fitzherbert*
Nat. Bre. 25. en le Brief de
Dedimus potestatem, de attur-
nato faciendo, ou il est mon-
stre, Que homes fuer' chasc
a procurer les Brieves ou Let-
ters Patents del Roy al ap-
pointer Attorneys par eux;
Il est ore prouide per diuers
statutes, que il serra loial is-
sint a fayre sans ascun tiel
circuit. Et la est grand di-

Attorney.

Attorney, is one appoin-
ted by another man to
do something in his stead.
And *Mr. West* hath defined
him thus, Attornies be such
persons; as by consent, com-
mandement, or request, take
hnd; scto, and take vpon
them the charge of the busi-
ness of other men in their
absence, by whom they are
commanded or requested.

And, where it seems, that
in antient time those of au-
thoritie in Courts haue had
it in their dispose, when
they would permit men to
appeare as sue by any other
than themselves, as appea-
reth by *F.N.B.* 25. in the writ
of *Dedimus potestatem* de
attornato faciendo, where
it is shewed, that men were
witten to procure the writs
or Letters Patents of the
King, to appoint Attornies
for them; It is now pro-
uided by diuers Statutes,
that it shall be lawfull so to
doe, without any such cir-
cuit. And there is great di-

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F.N.B. is
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Glauul.

uerſitie of ſoztes in the Table of the Register, by which the King commaunders his iudges to admit of Attornies.

By which means, at last there were so many vnſkilfull Attornies, and so many mischiefs by them, that an Act was, 4. H. 4. cap. 18. ordained for their restraint, that the Iustices should examine them and put out the vnſkilful, And Ann. 33. H. 6. ca. 7. That there should be but a certaine number of them in Northfolke and Suffolke.

In what cases a man at this day may haue an Attorney, and in what not, see F.N.B. in the place before recited.

Attorney is either generall or speciall: Attorney generall is hee that is appoynted to al our affairs or ſuits, as the Attorney generall of the K. Attorney generall of the Duke, *Crompt. 105.* Attorney speciall or particular, is he that is employed in one or more things particularly specified. Attornies general are made two wayes, either by the Kings Letters Pat. made before him or the Chancelor, or by our owne appointment, before Iustices in Ouer Court. See Glanv. l. 11. ca. 1. *Brit. 126.*

uerſitie de briefes en le table del Register, par lequel Roy command ses Iudges al admitter de Attornies.

Per quel meanes al darreine la fueront cy plusors imperite Attornies, & cy plusors mischiefs par eux, que vn Act fuit 4. H. 4. ca. 18. ordigne par leur restraint. Et les Iustices examineront eux, & metteront hors le imperities. Et Ann. 33. H. 6. cap. 7. Que la ne seront mes vn certaine number de eux en Northfolke & Southfolke.

En queux cases home a cest iour poit auer vn Attorney, & en queux nemy, vies F.N.B. en le lieu deuant recite.

Attorney est ou generall ou speciall: Attorney generall est cesty que est designe a tous nostre affaires ou ſuits, come le Atturay generall del Roy, Attorney generall del Duke, *Crompt. 105.* Attorney special ou particulier, est cesty que est employe en vn ou plusors choses particularment specifies. Attornies general sont faits deux voyes, ou par les Lettres Patentes del Roy faits deuant luy ou le Chanc' ou par nostre appointment deuant Iustices en Ouer Court. Vies Glanv. l. 11. ca. 1. *Brit. 126.*

The Exposition of

Idem
Attournement.

Attournement.

Attournement est quant vn est Tenant par terme de vie, & cestuy en le reuer-
sion ou remainder, graunt
son droyt ou estate a vn aut,
donques il couient que le
Tenant p terme de vie agree
a cee, & cest agreement est
appel Attournement, car si
cestuy en le reuerfion graunt
son estate & son droit a vn
auter, si le Tenaunt p terme
de vie ne attourna, riens pas
p le Grant.

Mes sil soyt graunt per
fine en Court de Record, il
sera compellont de attourn.
Et vide de ceo apres, titu-
lo *Quid iuris clamat*. Vide
pluis de ceo, *Little, Lib. 3.*
cap. 10.

Attournement is when
one is Tenant for term
of life, and he in reuerfion or
remainder grants his right
or estate to another, then it
belongeth the Tenant for
term of life to agree thereto,
and this agreement is called
an attournement, for if he in
the reuerfion grant his estate
and right to another, if the
tenant for term of life at-
torne not, nothing passeth
by the grant.

But if it be granted by
fine in Court of Record, he
shall be compelled to attorn.
And loke thereof after the
title *Quid iuris clamat*. Loke
more of this Title, in *Little*,
lib. 3. cap. 10.

Audita querela.

Audita querela.

Audita querela; est vn
Briefe, & gist lou vn est
obligé en vn Estatute Mer-
chant, Estatute Staple, ou
Recognifans, ou lou iudg-
ment est done vers luy par
dette, & son corps en execu-
tion sur ceo, donques
sil ad vn Releas, ou au-
ter suffisient matter deste
discharge del Execution,

Audita querela is a writ
and is lieth where one is
bound in a Statute Mer-
chant, Statute Staple, or
Recognifance, or where
iudgement is given against
him for Debt, and his bodie
is in execution thereupon,
the if he haue Releas, or
other matter sufficient to
be discharged of execution,

but hath no
there to plead
hath this so
which hath
against his

Auer

Averment
pleadeth
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the Action,
is ready to
Court will
offer to proo
called an Auer

Auer

Averpenny
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Augme

Augmentati
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might be tu
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but hath no day in Court there to plead it, then he hath
hath this writ against him
which hath recovered, or as
against his Executors.

mes nad iour en Court & ceo
pleader, donques il auera cest
Brieve vers cestuy que ad re-
couer, ou vers ses Executors.

Auerment.

Auerment.

A Verment is where a man
pleadeth a plea in abate-
ment of the writ, or barre of
the action, which he saith he
is ready to prove as the
Court will award. This
offer to prove his plea, is
called an Auerment.

A Verment est lou vn home
plead vn plea en abate-
ment en brieve, ou barr d'a-
ction, que il dist est prist
de prouer come le Court
voit agard, cest offer de pro-
uer s^{on} plea, est appel vn Aū-
ment.

Auerpenny.

Auerpenny.

A Verpenny, that is to bee
quit of diuers summes
of money for the Kings ar-
reresages.

A Verpenny, Hoc est quietum
esse de diuersis denarijs
pro aueragijs Domini Re-
gis.

Augmentation.

Augmentation.

Augmentation was the
name of a Court created
in the 17. yere of King Hen-
rie the eighth. And the cause
thereof was, that the King
might bee iustly vsed tou-
ching the profits of such re-
ligious Houses, and their
Lands, as were given unto
him by Act of Parliament
the same yere, not printed,
for the dissolving of which

Augmentation fuit le nomme
d'un Court creé en le
vint sept anne del Roy Hen-
rie le huit. Et le cause de
ceo fuit, que le Roy puit
estre voyerment vsé tou-
chant les profits de tiels re-
ligious measons & leur
Terres, que fueront done a
luy per Act de Parliament,
mesme l'an, nient imprimee.
Par le dissoluing de quel
Court,

The Exposition of

Court, la suit vn Act fayt en le Parliament, tenu en le primer anne del Reygne del Roygne Marie, *Sess.* 2. Cap. 10. Que el puis mis en execution per sa Letters Patents. Le nomme del Court surde de ceo, Que les reuenues del Corone fuerot tant augment per le suppression des dit Measons, quauant le Roy referue al Corone, & nient done ou vend al auters. Mes le Office de Augmentation remaue a cest iour, en que la sont plusors Records de graund vse & importance.

Court, there was an Act made in the Parliament held in the 1. yere of the reign of M. Mar. *Sess.* 2. ca. 10. which she afterward put in execution by her letters Patents. The name of the Court ariseth from this, that the reuenues of the Crowne were so much augmented by the suppression of the said houses, as the R. reserved to the Crowne, & neither gave nor sold to others. But the office of Augmentation remained to this day, wherein there are many Records of great vse and importance.

Antient demesne.

Antient Demesne sont certaine Tenures tenus de ceux Mannours queux fueront en maines de Sainct Edward le Confessour, & les queux il fistescrier en vn Liure appel *Doomes-day*, sub titulo Regis, & tous les Terres tenus del dit Mannours, sont Antient Demesne, & les Tenaunts ne ferront impleade hors del dit Mannours, & s'ils soyent, ils poient monstre le Matre, & abatera le Brief: mes s'ils responder al Briefe, & plead, & iudgement done,

Antient demesne,

Antient Demesne are certaine Tenures holde of those Mannours that were in the hands of S. Edward the Confessor, & the which he made to bee writtten in a Booke called *Doomes-day*, sub titulo Regis, and all the Lands holden of the said Mannours, be antient demesne, and the tenants shall not be impleaded out of the said Mannours, and if they be, they may shew the matter, and abate the writ: but if they answers to the writ, and iudgement be giuen, then

then the frankfe-
Tenants
be free of
concerning
and Husb
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Lands t
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to him in wh
take it.

then the Landys become franke-fee for ever. Also the Tenants in ancient demesne be free of toll for all thyngs concerning their sustenance and Husbandrye in ancient Demesne, and for such Landes they shall not be put or empannelled vpon any Enquest. But al the Landys in auintient Demesne that are in the Kings hands, be franke-fee, and pleadable at the Common Law. See moze after in the Title Sokmans.

donques les Terres sont deuenus Franke-fee a tous iours. Auxy tous Tenants en antient Demesne sont franke de Tolle pur tous choses concernont leur viand & Husbandrie en auintient Demesne, & pur tiels Terres ils ne setront mis ne empanel sur aucun Enquest. Mes tous les Ter' en antient Demesne queux sont en maines le Roy, sont franke-fee, & pleadable al Common Ley. Veies plus apres en le Title Sokmans.

Auowrie.

Auowrie.

A Vowrie is where one taketh a distresse for Rent or other thing, and the other sueth Repleuin, then he that hath taken it shall iustifie in his Plea, for what cause he took it: and if he took it in his owne right, he ought to shew that, and so auow the taking, and that is called his Auowry: but if hee took it in or for the right of another, then when hee hath shewed the cause, hee shall make Consuance of the taking, as Bayliffe or seruant to him in whose right he did take it.

A Vowrie est lou vn prist distresse pur Rent ou autre chose, & l'autre sua Repleuin, donques celuy que auoit ceo prise, iustificera en son Plea, pur quel cause il prist cec, & si il prist ceo en son droyt demesne, il dois ceo monst' & iustia auowale prisel, & ceo est appel son Auowrie. Mes sil ceo prist en ou pur le droyt de vnaut, donques quant il auoit monstre le cause, il serra Consuance del prisel, come Bayliffe ou seruant a celuy en que droit il prist ceo.

Bayle.

The Exposition of

B

Baile.

Baile est quant vn home est prise ou arrest pur Felonie, supition de Felonie, indieté de Felony, ou ascun tiel case, issint que il est restraine de son libertie. Et esteant per le Ley baylable, offera suretie al eux que ont auctoritie de luy bailer, queux Sureties sont oblige pur luy al vse le Roy, en certaine somme d'argent, ou corps pur corps, que il appiera deuant les Iustices de Gaole-deliverie al prochein Sessions, &c. Donques sur les bonds de ceux sureties, (come est auantdit) il est bayle, cest adire, mis al libertie tanque le iour appoiat p son apparence.

Mounseur *Manwood* en le primer part de son *Forest Ley*, pa. 167. fait vn grand difference perenē Bayle & Mainprise, en ceux poiz, Et nota, que la est vn grand diuersite perenter Bayle & Mainprise, car cesty que est Mainprise, est tous foiz dit destre a large & daler a son

B

Baile.

Baile is when a man is taken or arrested for felonie, suspicion of felonie, indicted of felonie, or any such case, so that hee is restrained of his liberty. And being by Law baylable, offereth suretie to those which haue authoritie to bayle him, which Sureties are bound for him to the Kings vse in a certaine sum of money, or bodie for bodie, that hee shall appeare before the Iustices of Gaole-deliverie, at the next Sessions, &c. Then vpon the Bonds of these Sureties, as is aforesaid, he is bailed, that is to say, set at libertie, until the day appointed for his appearance.

Master *Manwood* part 1. of his *Forest Law*, pag. 167. maketh a great difference between Baile & Mainprise, in these words, And note, that there is a great diuersity between Baile & Mainprise, for he that is Mainprised is alwayes said to be at large, & to go at his owne libertie

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Bailement
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libertie out of ward, after
hee is put to Mainprise
untill the day of his appea-
rance, by reason of common
summons, or otherwise.
But it is not so where a
man is put to Bayle by
four or five men, by the
Lord chiefe Justice in Eyre
of the Forrest untill a cer-
tain day: For there hee is
alwaies accounted by the
Law to bee in their ward
and custodie for the time:
and they may if they will,
hold him in ward or in pri-
son, till that time or other-
wise at their will: so that he
that is bayled, shall not be
said by the law to be at larg
or at his owne libertie.

Bailement.

Bailement is a deliuerie
of things, whether it be
of writings, goods, or
stuffs to another, some-
times to be deliuered backe
to the baylor, that is to say,
to him that so deliuered it,
sometimes to the vse of the
Baylee, that is to say, of him
to whome it is deliuered,
and sometimes also it is de-
liuered to a third person,
this deliuerie is called a
Bailement.

libertie demesne hors de
gard, puis que il est mis al
maineprise ieqsue le iour de
son appearance, per reason
de common summons ou
auterment. Mes nest issint
ou home est mis al baile per
quater homes, p le Seigni-
or chiefe Iustice en Eyre del
Forrest, ieqsue vn certaine
iour: Car la il est tous foits
account per le ley destre en
lour gard & custodie pur le
temps: & ils poient s'ils voi-
en prison au cest temps ou
lont, tener luy en gard ou
auterment a lour volunt:
Issint que il que est baile, ne
seffa dit p le ley destre a large
ou a son libertie demesne.

Bailement.

Bailement est vn deliuerie
de choses, soyent ils de
escripts, biens, ou stuffe al
auter, ascun foits destre re-
deliuer arrere al baylor, cest
adire, al celuy que issint de-
liuer ceo, ascun foits al vse
del baylee, cest adire, de luy
a que il est deliuer, & ascun
foits auxy il est deliuer a vn
tierce person, cest deliuerie
est appel vn Baylement.

- Bayliffe.

The Exposition of

Baylife.

Baylife est vn Officer que appartient a vn Manor, pur order le Husbandrie, & ad authoritie de payer quit Rents issuant hors del Manor, succider arbres, repaire les measons, faire pales, haies, distraire auers damage fesant sur le terre, & diuers tiels semblables. Cest Officer & celui que les auncient Saxons ont appel vn Reeue, car le nosme Baylife ne fait donques conus entre eux, mes vient eins oue les Normans. & est appel en Latine *Villicus*.

Et la sont deux autres sorts de Baylifes, cest adire, Baylifes errant & Baylifes de Franchises: Baylifes Errant sont ils que le Vicont fait & designe daler enuiron le Countie a executer Briefes, a summoner le Countie, Sessions, Assises, & tiels semblables. Baylifes de Franchises sont tiels que sont designe par chescun Seignior deins son liberty a faire tiels Offices deins son Precincts, que le Baylife errant fait a large in le Countie. Cest Baylife distraire pur amerciement assesse en es Courts tenus deins le

Baylife.

Baylife is an Officer that belongeth to a Manor, to order the Husbandrie, and hath authoritie to pay quit Rents issuing out of the Manor, fell trees, repairs houses, makes pales, hedges, distraine beasts doing hurt vpon the ground, and diuers such like. This officer is hee whome the auncient Saxons called a Reeue, for the name Baylife was not then known amongst them, but came in with the Normans and is called in Latine *Villicus*.

And there are two other sorts of Bailiffs, that is to say, Bailiffs Errant, and Bailiffs of franchises. Bailiffs errant are those that the sheriffe maketh and appointeth to go about the countie to execute writtes, to summon the countie, sessions, assises and such like. Bailiffs of franchises, are those that are appointed by every lord within his libertie to doe such Offices within his Precincts, as the Bailiff Errant doth abroad in the Countie. This Bailiffe distraineth for amerciements in courts held within the Manor,

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Manner of which hee is bayliffe. But if such Court is by prescription to be held within one moneth after a feast, and the Sherward holds it after the moneth, & in this Court assesseeth a fine or amerciament, and the Bailiffe distraines for it, the partie that is so distrained, may haue an action of Trespasse against the Bayliffe.

Manner de que il est Bayliffe. Mes si tiel Court est per prescription destre tenuus deins un mois apres un feast, & le seneschall tient ceo apres le mois, & en ceo Court assesse vn fine ou amerciament, & le Bayliffe distrein pur ceo, le partie que est lisiat distreine puit auer vnaction de Trespasse vers le Bayliffe.

Backberind theefe.

Backberind theefe.

Backberind theefe is a theefe that is taken with the manner, that is to say, hauing that found upon him (being folloved with the hue and cry) which hee hath stolen, whether it be money, linnen, wollen, or other stufte: but it is most properly said, when hee is taken carrying those things that hee hath stolen in a bundell or fardell upon his backe.

Backberind theefe est un laron que est prise ou le maner, cest adire, aiant ceo trouue sur luy (estuant pursued ou le hue & cry) le quel il ad emblee, soit il money, linnen, wollen, ou auter stufte: mes il est plus proprement dit, quant il est prise portant tielx choses que il ad emblee en un bundel ou fardel sur son dorse.

Walter Manwood in the second part of his Forrest Law, noteth this for one of the circumstances or cases, in which a Forrester may arrest the bodie of any offender against the right of Venison in the Forrest, which are Dog-draw, Stable-stand, Backberind

Mounseur Manwood, en le second part de son Forrest ley, ceo note pur un des quarter circumstances ou cases, en que un Forrester poit arrest le corps de aucun offender encounter Vert ou Venison en le Forrest, queux sont Dog-draw, Stable-stand, Backberind,

&

The Exposition of

& Bloodie hand.

and Bloodie hand.

Bankrupt.

Bankrupt.

Bankrupt, per le statute 1.
lac Regis cap. 15. est is
 fiant describe; tous & ches-
 cun tiel person & persons,
 vñant, ou q̄ versoit le trade
 de merchandise, p voye dex-
 change, bartrie, cheuifance,
 ou autrement en grosse, ou p
 queront son sa, ou leur trade
 de viuer, pemptiõ ou vendi-
 tion, & esseāt vn subiect nec
 de cest Realme, ou a scan des
 dominions del Roy, ou deni-
 zez, que al ascun temps
 citra le primer iour de cest
 present Parliament, ou al
 ascun temps enapies, depar-
 tera al Roialme ou com-
 mence a retenir son ou sa
 meason, ou measons, ou au-
 terment de absenter luy
 ou sa mesme, ou prendra
 sanctuarie, ou suffer luy ou
 sa mesme voluntariment
 destre arrest pur ascun debt
 ou auter chose sient cref-
 fant ou due pur argent de-
 liuer, wares vend ou ascun
 auter iust ou loyal cause ou
 bon considerac^{on} ou purposes
 ou ad ou voyle suffer luy ou
 sa m̄ destre vilage, ou dõ luy
 ou sa m̄ al prisõ, ou volũ-
 rĩm̄ ou fraudulentm̄, ad ou
 peutera luy ou sa m̄ destre

Bankrupt, by the statute
 1. lac. Regis c. 15. is thus
 described; all, and euery
 such person and persons,
 vñing, or that shall be
 the trade of merchandise,
 by way of bargaining, ex-
 change, bartrey, cheuifance,
 or otherwise in grosse, or
 by seeking his, her, or their
 trade of liuing, by buying &
 selling, and being a subiect
 bozne of this Realme, or e-
 ny the kings dominions, or
 denizen, which at any time
 thence the first day of this
 present parliament, or at a-
 ny time hereafter, shall de-
 part the Roialme, or beginne
 keepe his or her house, or
 houles, or otherwise to ab-
 sent him or her selfe, or take
 sanctuarie, or suffer him
 or her selfe willingly to be
 arrested for any debt or o-
 ther thing not growne of
 due for money deliuered,
 wares sold, or any other iud-
 ge lathful cause, or good co-
 siderations or purposes, or
 hath or will suffer him or
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arrested, or his or her goods, money, or chattels to be attached or sequestered, or depart from his or her dwelling house, or make or cause to be made, any fraudulent grant or conveyance of his, her, or their lands, tenements, goods, or chattels to the intent, or whereby his, her, or their creditors being subjects home, or abroad, shall or may be defrauded or delayed for the recovery of their just and true debt: as being arrested for debt, shall after his or her arrest, lie in prison six months or more upon that arrest or detention in prison for debt, and shall lie in prison six months upon such arrest or detention, shall be accounted and adjudged a Bankrupt to all intents and purposes.

arrest, ou ses, ou sa biens, argent, ou chattels deffra: attach ou sequestre, ou departera de son, ou sa maison inhabite, ou faiera, ou causera deffra: fait ascun fraudulent grant ou conveyance de son, sa, ou lours terres, tenements, biens, ou chattels, al intent ou per que son, sa, ou lours creditors esteant subiects nee, come auant dit, terra ou poib estre defraut ou delaye par le recouerie de leur iust & vraye det: ou esteant arreste p det, aps son, ou sa arrest, gisera in prison six moys ou pl^r sur ce arrest, ou asc^t au arrest ou detene^r en prison p det, & gisera en prison six moys sur tiel arrest ou detenti^o, terra accompli & ad iudge vn Bankrupt a cheacun intents & purposes.

Bargaine and sale.

Bargaine and sale, is wher a recompence is given by both the parties to the bargain: as if one bargain and sell his land to another for money, here the land is a recompence to him for the money: and the money is a recompence to the other for the land: and this is a good contract and bar-

Bargaine & sale.

Bargaine & sale, est quant vn recompence est donee par ambideux les parties al bargain: come si vn bargain & vend son terre al autre pur argent, le terre est vn recompence a luy par le argent, & le argent est vn recompence al autre pur le terre, & ceo est vn bone contract & bar-

The Exposition of

gaine, & Fee simple pass
aient obstant il ne dit a
aucun & reher le terre a luy
& a ses heires. Et peruel
bargaine & sale, terres poi-
ent passe sans luerie de
seisin, si le bargaine &
sale soit per fait indeur,
seale & inrolle, ou en le
Counsaie, ou le terre gift
ou en vn des Coumts del
Roy de Record al West-
minster, deins sixe moies
prochein apres le date de
mesme le escript indent, &c.
accordant al Statute en ceo
case fait en le 27. an de H.
3. cap. 16.

Barre.

Barre, est quant le defen-
dant en aucun Action
plede vu plee que est vn
sufficient respons, & ceo
adnul le action del plaintife
a tous iours.

Et ceo poit estre diuide
en barre al common in-
tendement & barre special.
Barre al common intende-
ment, est ou ordinarie ou
generall barre, que com-
mencement disable le count
ou plea del plaintife: Barre
special est ceo, que est plus
que ordinarie, & happen
le case en question sur aucun

gains, and fee simple pas-
seth notwithstanding her
death not so as to have and
to hold the land to him and
to his heires. And by such
a bargain and sale, lands
may passe without luerie
of seisin, if the bargain and
sale bee by deede indented,
sealed and inrolled, either in
the counsaie where the land
lieth, as in one of the Kings
courts of Record at West-
minster within sixe moneths
next after the date of the
same writing indented, ac-
cording to the Statute in
that behalf made in the
27. yeare of H. 3. cap. 16.

Barre.

Barre, is when the defen-
dant in any action plea-
deth a plea which is a suf-
ficient answer, and that
destroynth the action of the
plaintife for ever.

And it may bee diuided
into barre to common in-
tendement, and barre spe-
cial. Barre to common
intendement is an ordinarie
or generall barre, which co-
monly disableth the de-
claration of either of the plain-
tiffe: Barre special, is that
which is more than ordina-
rie, and falleth out in the
case in question, upon some
special

special
fact: And
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bar, until
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servant
Statute
holdeth so
in an ac-
tion.

speciall circumstance of the fact: As an Executor being sued for the debt of his Testator, pleadeth, that he hath nothing in his hands at the day of the writ purchased, this is a good barre to common intendment, or as first sight, but yet the case may be such, That more Goods may come to his hands after that time, which if the Plaintiff can shew by way of Replication, then except the Defendant hath a iudge speciall plea or barre to alledge, he is to bee condemned in the Action, *3d Plow. fol. 26. 28.* And in the same sense Barre is also diuided into Barre materiall or speciall, and barre at large, *Kitt. fol. 63.*

Bar is also in regard of the effect diuided into Barre perpetual & barre temporary; perpetual is that which opposeth the action forever. Temporary is that which is good for the present, & may afterwards fail; as, suerly administered is a good bar, until it may appeare after that more goods came after ward to the hands of the Executor: which also is a barre for the heyre. That in an action of his ancestors

speciall circumstance del fact: Come vn Executour esteant sue pur le der de son Testator, plede, Que il ad riens en les maines al iour quant le Brieft fuit purchase, ceo est vn bone bar al common intendment, ou *prima facie*, mes yncore le case poit estre tel, que plusors biens poient veni a les maines puis cel temps, que si le plaintiff poet monstre p voy de replication, donque, sinon que le Defendaunt ad vn plus special plea ou bar d'alledge, il est destre condempne en l'Action, Veies *Plow. fol. 26. 28.* Et en mesme le sence bar est auxy diuide en bar materiall ou special, & barre a large, *Kitt. fol. 63.*

Barre est auxy en regard del effect diuide en barre perpetual, & barre temporaire; perpetual est ceo que quash l'action a tous iours; temporaire est ceo que est bone pur le present, & puit apres failer, come, *plene administravit* est bone barre ielque puit appearer que plusors biens vient puis al maines des Executors: que auxy tient pur le heyre, & en vn acc de son ancestors

The Exposition of

det, plede riens per discent.
Veies Ar. tit. Bar. n. 29.

Barretor.

Barretor est yn common
mouer & excitor, ou
maintainer de suits, quarels,
ou parts, ou en Courts, ou
en pays: En Courts de Re-
cord, & en le Couque Hund-
red, & auz inferior Courts:
In pays en trois maners, pri-
merment, en disturbance del
peace, secondement, en pri-
ser ou deteyner des posses-
sions des measons, Terres, ou
biens, &c. que sont en que-
stion ou controverisie, non
seulement per force, mes auxy
per subtiltie & decess, &
plus tost en suppression de
veritie & droit, Tiercement,
per faux invention & sow-
ing, de calumniation, ru-
mors, & reports pour discord
& disquiet surd in les Vi-
cines. Veies plus de ceo, Col.
1. 8. fo. 36. 37.

Base Fee.

Ten en ses Base, est a te-
ner a volun le Seig-
neur.

debt, aleabeth nothing by
discent. See Brook, tit. Rane,
num. 22.

Barretor.

Barretor is a common mo-
uer and stirrer by as-
saulting of suits, quar-
rels, or parts, either in
Courts or in Country: In
Courts of Record, and in
the Countie, Hundred, and
other inferior Courts: In
country, in these manners,
first, in disturbance of the
peace, secondly, in taking
or detaining of the posses-
sion of houses, Landes, or
goods, or that again queth
ouy controuersie, and may
be done, but also by subtiltie
and decess, and moze usually
in suppression of truth and
right, thirdly, by falsify-
menting and sowying of ca-
lumny, rumors, & reports,
making discord & contention
rise betwix his neighbors.
See more of this, Col. lib.
1. fo. 36. 37.

Base Fee.

Ten en ses Base, est a te-
ner a volun le Seig-
neur.

Bastard
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is called
People.

But
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Bastard.

Bastard.

Bastard is he that is borne of any woman not married; so that his father is not knowne by the order of the Law, and therefore hee is called the Childe of the People.

But by the Law of the Romish Church, if one get a Childe upon a woman, which Childe is borne out of wedlocke, and after hee marrie the same woman, then such child shall be sayd Mulier, and not bastard.

But by the law of England he is a bastard, and for that cause when such special bastardie is alledge, it shall be tried by the Countrey, and not by the Bishop. But generally Bastardie alledge shall be tried by the Certificate of the Bishop.

And if a woman be great with child by her husband, who dyeth, and shee take another husband, and after the Childe is borne, this Childe shall be sayd the child of the first husband. But if she were privately with child at the time of the death of her first husband, then it shall be sayd the child of the second husband. But

Bastard est celuy que est nee de aucun Feme nient espouse, issint que son pere nest conus per le order del Ley, & p' ceo il est dit Filius populi.

Mes per la ley del Romish Esglise; si vn ingendre vn enfant sur aucun Feme, quel enfant est nee hors d'espousels, & puis il s'pouse meisme la Feme, donques tiel enfant serra dit Mulier, & ne my bastard.

Mes per la Ley D'engleterre il est Bastard; & p' ce cest cause quant uel especial Bastardie est alledge, il serra trie per le pays, & ne my per L'euesque. Mes generalment Bastardie alledge, serra trie per le Certificate del Euesque.

Et si vn Feme soyt grosse de Enfant per son Baron, que morust; & el prist autre Baron, & apres le enfant est nee, cest Enfant serra dit le Enfant le premier Baron. Mes si el fuit priement enseint al temps del mort sa premier baron, donques il serra dit le Enfant de second Baron. Sed

The Exposition of

querre & veies le opinion de
Thorp, 21. E. 3. 39.

Auxy si vn home prent féc
que soit grossement enseint
per ascun autre que ne fuyt
la baron, & apres l'enfant est
nec deins les espousels, don-
ques il sera dit l'enfant le
baron, mesq; il fuit nec for-
que vn iour s'ps les espousels
solempnaise.

enquires further, & see the opi-
nion of Thorp. 21. E. 3. 39.

Also if a man take a wiffe
which in great with child by
another which was not her
husband, and after the child
is borne within the espous-
els, then it shal be sayd the
child of the husband, though
it were born but one day af-
ter the espousels solemnised,

Battaile.

Battaile.

Battaile est vn antient trial
en nostre Ley, quele de-
fendant en vn appeale de
Murder, Robbery, ou Felony,
poyt eslier, costascuoiere, a
combater oue l'appellant, pur
proofoe sil soit culpable del fe-
lonie ou non; quel combat
sil succede rybien del part le
Defendant, que il vanquish
l'appellant, il alera quit, &
luy barrera de son Appcale
a tous iours. Mes si vn
soit indict de Felonie, &
vn appeale est port sur mesm
le Indictment, la le Defen-
dant ne gagera le Bataile.
Battayle auxy poest estre
en vn brieve de Droyt,
come est en *Parsons's*
case, *Dyer* 301. pla. 41. 43. ou
les champions fuch eslies,
& la battell agard, & les

Battaile is an antient triel
in our Law, whiche the
Defendant in appeale of
murder, robbery, or felony,
may chuse, that is to say, to
fight with the Appellant,
for proofoe whether he be
culpable of the felony or not:
whiche combat if it fall out
so well on the part of the de-
fendant, that he doth van-
quish the Appellant, he shall
go quit and bar him of his
appeale for ever. But if one
be indicted of felony, and an
appeale is brought upon the
same Indictment, there the
def. shall not wage battaile.
Battayle also may be in a
writ of Right, as in *Pa-
ramours Case*, *Dyer* 301.
pla. 41. 43. where the
champions were chosen, and
the battell awarded, and the
champions

champions
of each,
tell at
her, but
rance in
thing so

Batterie
beth
peace an
of the
man affe
another
law & p
which
man shal
or reuen
not w
this to c
which is
heare an
kill and
enery m
that is
indict th
upon it
King, o
Crispe
batterie
very
Battaile
in coll
the
by their
defendant
dictum

champions forre by iareties
oath, to performe the bat-
tell at Cotehill in Westmyn-
ster, but by default of appea-
rance in t. e demandant non
thing was done therein.

champions sacront. p Main-
prise & iures de performer le
battel al Tothil en Westmyn-
ster per default d'apparence
en le Dñr, riens fuit fait en
ceo.

Batterie.

Batterie.

Batterie is an act that ten-
deth to the breach of the
peace and quiet government
of the Realme, as when a
man assaulteth and beateth
another, this is against the
law & peace of the Realme,
which ordaineth that no
man shal be his own iudge,
or reuenger of his own pri-
uate wrong, but shall leaue
this to the censure of the law
which is alwayes ready to
heare and redresse the righte-
full and iust complaints of
every man: wherefore hee
that in so beaten may either
indict the other partie, who
upon it shall bee fined to the
King, or haue his Action of
Trespasse of Assault and
batterie against him (for e-
very batterie implieth an
Assault) & recover so much
in costs and damages, as
the Iurie will giue to him
by their verdict, and the de-
fendant shall upon the Ju-
dgement be fined to the R.

Batterie, est vn act que
tende al breache del
peace & quiet government
del Royallme, sicome quant
vn home assaule & batter vn
auter, ceo est encounter le
Ley & peace del Royallme,
le quel ordeigne, Que nul
home serra son Iudge de-
mesme, ou reuenger de
son priuate tort, mes ceo
laysera al censure del Ley,
que est tous foits prist de
oyer & redresser les droy-
turall & voire querrels de
chescun home: Par que
cestuy que issint assaule po-
it ou enditer l'auter partie,
que sur ceo serra fine al Roy,
ou auer son Action de
Trespasse de Assault & bat-
terie vers luy, (car chescun
batterie implie vn Assault)
& recouer tant en costes &
dammages, que le Iury voile
doner a luy, p leur verdict, &
le Defendant sur cest iudic-
ment serra fine al Roy,

The Exposition of

& le *Action de Trespas* voyle gilet cybien deuant come apres L'enditment; Mes si le *Plaintife en tiel Action* fit le *primer Assault*, donques le *Defendaunt* alera quite; & le *Plaintife* serra amercee al *Roy* pur son faux suit. Et est destre obserue, Que le record del conuiction del pie p inditment, poet seru p euidence en l'action de *Trespas* port sur mesme le assault & batterie.

Mes nient obstant que le partie auera vn double punishment pur tiel offence, cest adire, serra punish al *Roy* & al partie; Vncost aucuns y sont, que en respect de leur natural, do auters que en respect de leur ciuile power & auctorite: ouster auters, en un raisonnable & moderate maner poient eux chastiter, corriger, & batre; come le parent leur puer, le *Maister* son *Servant* ou *Apprentice*, le *Capor* ou son *Servant*, les turbulent *prisoners*, le *officer*, cestuy que est arreste, & ne voyle auient obeyer. Auxy home poyt iustifie le batture d'un auter, en defense de son person de mesme, ou del person de son *Feme*, *piere*, *merre*, ou *Maister*,

and the *Action of Trespass* will lie as wel before as after the *Inditment*; But if the *Plaintife* in such action, maketh the first assault, then the *defendant* shall go quite, and the *Plaintife* shall be amerced to the *King* for his false suit. And it is to be observed, that the record of the conuiction of the partie by inditment, may serue for euidence in the *Action of Trespass* brought vpon the same assault and batterie.

But notwithstanding that the partie shall haue a twofold punishment for such offence, that is to say, that he punished to the king and to the partie; yet some there are who in respect of their naturall, and others who in respect of their ciuill power and authoritie ouer others, in a reasonable and moderate manner may chastise, correct, and beat them; as the parent their child, the *Master* his *servant* or *apprentice*, the *Capor* or his *seruant*, the *barreil* *prisoners*, the *Officer*, him that is arrested, and will not otherwise obey. Also a man may iustifie the beating of another in defence of his owne person, or of the person of his *wife*, *Father*, *mother*, or *Master*.

And

And a
bearing
fence of
mainten
But it is
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necessari
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cher.

Be

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fairly, &
be direct
himselfe,
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such a fine
by all the
the Comm
where hee
maner of
N B. 270.

E

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And a man may iustifie the beating of another in defence of his goods, and in maintenance of Justice. But it is to be noted, that in these cases if a man be not begged, and constrained by a necessary cause, he cannot iustifie the beating of another.

Et home poet iustifie le bature d'un autre, en defence de ses biens, & en maintenance de Justice. Mesest desir note; Que en ceux cases si home ne soyt vrge & constrain per vn necessary cause, il ne poyt iustifie le batering d'un autre.

Bewpleader.

Bewpleader.

Bewpleader is a writ upon the Statute of Marlb. and lieth where the Sherife or other Baylife in his Court will take a fine of the party Plaintiff, or Defendant, to the end that he shal not plead faultily, &c. And the writ shal be directed to the Sherife himselfe, or to the Baylife, or him that will demand this fine, and it is as a prohibition to him, commanding him that hee shal not demand such a fine, and may be sued by all the Hundred, or by all the Countie (as it seemeth) where hee will demand such manner of fine of them, Fitz. N. B. 170. a.

Bewpleader est vn Brieve sur Lestature de Marlebridge, & gist ou le Viscount ou autre Baylife en son Court, voile prendre vn fine del partie, Plaintiff, ou Defendant, pur ceo que il ne pleadera belement, &c. Et le brieve serra direct al Viscount mesme, ou al Baylife, ou cestuy que voile demand cest fine, & est come vn Prohibition a luy, commandant luy, que il ne demandera tiel fine, & puit estre sue per tout le Hundred, ou per tout le Countie, come semble lou il voile demand tiel maner fine de eux, Fitz. N. B. 170. a.

Bigamie.

Bigamie.

Bigamy was a counterplea pleaded at the Council of Lyons, upon mislike

Bigamy fuit vn Counterplea (deuise al Council de Lyons, sar mislike de

The Exposition of

de second Marriage) este
 obiect quant le priso-
 ner demande le benefite
 del Clergie, cestascuoi-
 er, son Lieure, come
 noismement a dire, que il
 que demande le priui-
 ledge del Clergie, fuyt
 marie a tiel Feme en tiel
 lieu deins tiel Diocesse, &
 que el est mort, & que il ad
 apres marrie vn autre Feme
 deins mesme le Diocesse, ou
 deins aucun autre Diocesse,
 & issint Bigamus. Ou si
 nad este forsque vn temps
 marrie, donques adire, Que
 el que il espouse, est, ou fuit
 vn viefse, cest adire, le reliet
 dun tiel, &c. Le quel chose
 ferra trie per Leuesque de le
 Diocesse ou le espousels sont
 alledge. Et esteant issint
 certifie per Leuesque, le pri-
 soner perdera le benefite del
 Clergie. Mes al cest iour,
 per force de le Acte sayt en
Annoprmo Edw. 5. cap. 12.
 cest nul plea mes que il poit
 auer son Clergie ceo nient
 obstant.

Issint est Brooke, Titulo
 lo Clergie, Placito 20. al
 mesme purpose. Et sur
 ceo si vous estes desirous
 de veyer queux raisons ils
 ont que persuade enuers
 second espousels, lege en.

of second marriage) to be
 objected when the prisoner
 demandeth the benefit of the
 Clergie, to wit, his Booke,
 as namely to say, That he
 which demandeth the priui-
 ledge of the Clergie, was
 married to such a woman at
 such a place, within such a
 Diocesse, & that she is dead,
 and that he hath married a-
 nother woman within the
 same Diocesse, or within
 some other Diocesse, and so
 is Bigamite. Or if he have
 bene but once married, then
 to say that thee whome hee
 hath married, is or was a
 widow, that is to say, the
 left woman of such a one,
 &c. which thing shall be
 tried by the Bishop of the
 Diocesse where the marri-
 ages are alledged. And be-
 ing so certified by the Bi-
 shop, the prisoner shall lose
 the benefit of the Clergie.
 But at this day by force of
 the Act made An^o 1. Edw. 6.
 ca. 12. this is no plea, but
 that he may have his Cler-
 gie that notwithstanding.

So is Brooke, Titulo
 Clergie, Placito 20. to the
 same purpose. And here-
 upon if you be desirous to
 see what reason they have
 that persuade against se-
 cond marriages, read a-
 mong

mong man
 Perrache
 both for
 Booke and
 intended, &
 which book
 Thomas T
 well, and
 (as they si
 say) transi
 into Engli
 ly called it,
 Fortune,

Bi

Blinguis
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 passeth bet
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 And for th
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 Edw. 3. cap.
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 the Mayor
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 shall be ta
 one partie
 hee Denize
 tried by A
 the one par

mong many others, Francis Petrarche, of remedies for both fortunes, the first Booke and lxxvj. Dialogue, intitled, of second marriage: which booke now of late M. Thomas Twine hath verie well, and with good grace, (as they that can iudge doe say) translated out of Latine into English, and most aptly called it, Byrth against fortune,

ter diuers autres, *Francis Petrasche*, de remedijs vtriusque Fortune, le prim liure, & lxxvj. Dialogue, entituled, De secundis nuptijs, quel Lieure ore tarde Mounficur *Thom. Twine*, ad bien & oue bone grace, (come ils poyent iudg' diont) translate hors de Latyne en Angloys, & mult aptmt appel c', Phisick encontre fortune.

Bilinguis.

Bilinguis.

Bilinguis in generall is a man with a double tongue, yet it is commonly vsed for that Turlie which passeth betwene an Englishman & an Alien, where of part ought to be Englishmen, and part strangers. And for this cause it is enacted by the Statute of 28. Edw. 3. cap. 13. That if any variance chance to bee about the packing of wooll before the Mayor of the Staple, betwene the Merchants or Ministers of the same, and thereupon to trie the truth therof, Enquest shall bee taken, and if the one partie and the other bee Denizens, it shall bee tried by Denizens, or if the one partie be Denizen,

Bilinguis en generall, est vn home oue vn double langue, vncore il est communement vse pur cest lurie que passent parenter. vn home D'angleterre, & vn Alien, de que pt couient estre homes D'angleterre, & part Estrangers. Et pur ceo est enact per lestatute de 28. *Edward. 3. Cap. 13.* Que si ascun debate happa deltre sur le packing de lane, deuant le Maiordel Staple, enter les Merchaunts ou Ministers delmesme, & sur c' de prouer la veritie de icy, Enquest serra prise, & si lun partie & l'autre soynt Denizen, il serra trie per Depizens, ou si lun partie soynt Denizen, & sau.

The Exposition of

& l'auter alien le moitie de
tenquest ou del proosse serra
Denizens, & l'auter moytie
D'aliens.

and the other alien, the halfe
of the enquest or of the proof
shall be of Denizens, and
the other halfe of Aliens.

Bloodwit.

Bloodwit, Hoc est, quietum
esse de amerciamētis
de sanguin' fuso, & quæ te-
neantur placita in Curia ve-
stra, habebitis amerciamen-
ta inde prouenientia, quia
(wh)en Anglois, est *Miseri-*
cordia en Latyne.

Bloodwit.

Bloodwit, That is, to be
quit of amerciamēts for
bloodshedding, and what
Pleas are holden in your
Court, you shall haue the a-
merciaments thereof com-
ming, because (wit) in En-
glish, is *Misericordia* in La-
tyne.

Boote.

Boote est vn viel parol, &
il signifie, Helpe, Suc-
cor, Ayde, ou Aduantage, &
est comunement ioyne oue
vn auter parol, que signifi-
cat on il augment, come
ceux, Bridgeboot, Burgboot,
Fireboot, Hedgeboot, Plow-
boote, & diuers tiels sem-
blable, pur queux signifi-
cations veies en leur proper
Titles.

Boote.

Boote is an old word, and
signifieth, helpe, succour,
ayde, or aduantage, & is com-
monly ioynd with anothe
word, whose signification it
doth augment, as these,
Bridgeboot, Burgboot, fire-
boot, Hedgeboot, Plowboot,
and diuers others such like,
for whose significations look
in their proper titles.

Broodhalpeny.

Broodhalpeny, en alcun
Copies *Broodhalpeny*,
Hoc est quietū esse de qua-
dam consuetudinē exacta pro

Broodhalpeny.

Broodhalpeny, in some
Copies, *Broodhalpeny*,
that is to be quit of a cer-
taine custom, exacted for
setting

setting
Wood-
kett's an-
fred by
of this
Wood-
Patent
of, as the
it selfe
Speech
of Broad

BVII is
called
man of
with a
talking in
Comman
Tas, acc
ture of the
it is graue
Instrume
bane here
force in the
the State
cap. 16. 1
That all
Faculties
ons of
nature the
obtaind
of Rome,
cher tops,
On Rast

setting by of Tables or
Boords in Faires or Mar-
kets and those that were
freed by the Kings Charter
of this Customs, had this
word put in their Letters
Patents: by reason where-
of, as this day the freedom
it selfe (for the breuitie of
speech) is called by the name
of Broadhalfe penny.

Tabulis leuie ou Boords
en Faires ou Markets, &
ceux que estoient enfran-
chised per le Charter le
Roy de cest custome, ont
cest parol mise en leur Let-
ters Patent: per reason de
quel, a cest iour le enfran-
chisement mesme (pur le
breuitie de elocution) est
appel per le nosme de Broad-
halfpenny.

Bull.

Bull.

BVll is an Instrument so
called, granted by the
man of Rome, and sealed
with a Seale of Lead con-
taining in it his Decrees,
Commandements, or other
Acts, according to the na-
ture of the thing, for which
it is graunted. And these
Instruments so called, haue
bene heretofore vied, and of
force in this Land: but by
the Statute of 28. H. 8.
cap. 16. it was enacted,
That all Bulls, Breues,
Faculties, and Dispensati-
ons of whatsoeuer name or
nature that it was, had or
obtainyd from the Bishop
of Rome, should be sitoge-
ther voyd, and of no effect.
See Rastall, 328. C.D.

BVll est vn Instrument il-
lunt appel, graunt per le
home de Rome, & enseale
oue vn Seale de plumbe,
contenant en ceo ses De-
crees, Commandements,
ou autres Acts, accordant al
nature del chose pur que il
est graunt. Et ceux Instru-
ments issint appel, ont este
cy deuant vsé, & de force en
cest Terre: mes per le sta-
tute de 28 H. 8. cap. 16. fait
enact, Que tous Bulls,
Breues, Faculties, & Dis-
pensations, de quel que
nosme ou nature que il
fuit, ad ou obtaine del E-
uesque de Rome, seront
tout ousterment voyd, & de
nul effect. Vide Rastall.
328. C.D.

The Exposition of

Burgage.

Tener en Burgage, est a tener si come les burgeis teignent de Roy, ou de auter Seignior, terres, ou tenements, rendant a luy vn certaine rent per an, ou autrement la ou vñ auter homme Burgeis tiēt d'aucun Seignior, terres ou tenements en Burgage, rendant a luy vn certaine rent per an.

Burgage.

To hold in Burgage, is to hold as the Burgeis hold of the King, or of another Lord, lands, or tenements, yielding to him a certain rent by the year, or else there where another man than Burgeis holdeth of any Lord, lands or tenements in Burgage, yielding to him a certain rent by years.

Brughbote.

Brughbote (& en aucuns copies Bridgebote) hoc est, quietum esse de auxilio dando ad reficiendum Pontes.

Brughbote.

Brughbote (and in some copies Bridgebote) that is, to be quit of giving ayde to the repairing of Bridges.

Brughbote.

Brughbote, hoc est, quietum esse de auxilio dando ad faciendum Burgum, Castrum, Ciuitatem, vel muros prostrata.

Brughbote.

Brughbote, that is, to be quit of giving ayde to make a Borough, Castle, Citie, or walles throughe downe.

Burbreach.

Burbreach, hoc est, quietum esse de transgressionibus factis in Ciuitate vel Burgo contra pacem.

Burbreach.

Burbreach, that is, to be quit of trespasses done in Citie or Borough against the peace.

Burgh.

Burgh.

Burgh. rough. Some in rough, the same diuersely, yet the same at the same that were whereof be in the same sent, as by force of the same.

B.

Burglarie breaketh to the house the night intent to do some which call carrie a horse felonie suffer death, if it be that hee be the night, in at that. But if spie with his watch tent hee a new door in the night.

Burgh English.

Burgh English.

Burgh English, or Borough English, is a custome in some auncient Borough, that if a man haue thus diuers sonnes, and dieth, yet the yongest sonne onely shall inheris and haue al the lands and tenements that were his fathers, wherof he died seised with in the same borough by descent, as heire to his father, by force of the custome of the same Borough.

Burgh English, ou Borough English, est vn custome en vn auncient Borough, ou si vn home ad issne diuers fis & morust, vncore le puisne fis solemt inheriter, & aua tous les fis & reueuents q̄ fuer de sō pere do que il morust seisie deins m le burgh per descent, come heire a son pere, per force del custome de meisme le Burgh.

Burglarie.

Burglarie.

Burglarie is when one breaketh and entredyn to the house of another in the night, with felonious intent to robbe or kill, or to doe some other felonie, in which cases although hee carrie away nothing, yet it is felonie for which he shall suffer death. Otherwile it is, if it be in the day time, or that hee break the house in the night, & enter not therein at that time.

But if a seruant wil conspire with other men, to rob his Master, and to that intent hee openeth his Masters doores and windows in the night for them, that

Burglarie est quant vn debruse, & enter en le meason d'un autre en le nuit, oue felonious intent, de robber ou occider, ou de faire autre felonie, en queux cases nient obstant il import riens, vncore il est felonie, par que il serra pendue. Autermt est sil soit en le iour ou que il debruse le meason en le nuit, & ne entra pas en ceo a cest temps.

Mes si vn seruant voile conspire oueauts de robber son Master, & a cel intent il ouer les dores & finistres de sō Mast. en le nuit p̄ eux, & il;

The Exposition of

ils vient en le meason per
cest voy, cest Burghlarie en
les estrangers, & le seruant
est vn laron, mes newy vn
Burgler. Et ceo fust soppi-
on de le right Worshipfull
Sir Reg. Manwood Chiuale
pluis digne Seignieur chiefe
Baron de le Eschequer, a la
quarter Sessions tenuis en
Canterburie en Ianuarie
1579. 21. Eliz.

they come into the house by
that way, this is burghlarie
in the strangers, and the
seruant is a cheefe, but no
Burglar. And this was
the opinion of the right
Worshipfull, Sir R. Man-
wood Knight, most worthy
Lord chiefe Baron of the
Eschequer, at the quarter
Sessions holden at Can-
terburie in Ianuarie, 1579.
21. Eliz.

C

Capacitie.

Capacitie est quant
home, ou corps poli-
tique ou corporat est
capable a doner ou prendre
terres ou autre choses, ou a
fuer actions, sicome vn ali-
en nee ad sufficient Capac-
tie a fuer en ascuin personal
action, mes en reall action
est bone plee adire que il est
alien nee, & prier sil serra re-
spondu, Dyer fol. 2. pla. 2.

Si home enseoffe vn ali-
en & vn home al vie de luy
ou &c. semble que le Roy
auera le moytie del terre a
touts iours per reason del
incapacitie del Alien,

C

Capacitie.

Capacitie is when a
man, or bodie politike
or corporat is able
to giue, or take lands, or o-
ther things, or to sue ac-
tions, as an Alien borne
hath sufficient Capacitie
in any personall action,
but in a reall action it is a
good plea to say, that he is
an alien borne, and that he
shall bee answered. Dyer
fol. 3. pla. 2.

If a man enticeth an
alien, and another man to
the use of themselves, or, &c.
it seemeth that the King
shall haue the moiety of the
land for ever, by reason of
the incapacitie of the alien.

Dyer

Dier, fol.

By a
man has
Cyber-
sons, and
a person
that is n
in taking
capable
tythes is
in his oth
a spiritu
l. 2. fol. 44

Cape is
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tion of
this woz
grand Ca
both why
things in
seems to
themselves
following
that gran
sepe app
after. A
grand C
summon
the defau
demand
summons
and were
ly, and

Dier, fol. 283. pla. 31.

By the common Law no man both capacitate take Tythes but spirituall persons, and the King, who is a person mixt, but a lay man that is not capable of tythes in taking them, was yet capable of discharge of tythes in the common Law in his owne land as well as a spirituall man. See Coke l. 2. fol. 44.

Dier, fol. 283. pla. 31.

Per le common Ley nul home ad capacite de prendre Dismes forsque spiritual persons, & le Roy, que est persona mixta; mes lay home que nest capable de Dismes en pernancie, fuit vncore capable de discharge de Dismes al common Ley en son terre demesne cibien come spirituall home. Vide Coke lib. 2. fol. 44.

Cape.

Cape.

Cape is a writ iudiciall, touching plea of lands or tenements, so called (as the most part of writs are) of that word, which in it selfe carrieth the especiallest intencion or end thereof. And this writ is divided into grand Cape and petit Cape, both which take hold of things immouable, and seeme to differ between themselves in these points following: first, because that grand Cape lyeth before apparance, & petit Cape after. Secondly, by the grand Cape, the tenant is summoned to answer to the default, and over to the demandant: Petit Cape summoneth the tenant to answer to the default only; and therefore is called

Cape est un Brieve iudicial, touchant plee de terres ou tenements, issint appel (si come les plusors de Brieses sont) de cest parol que en luy mesme port le plus especial entencion & fine de ceo. Et cest brieve est diuidee en grand Cape & petit Cape, queux ambideux prenent des choses immouables, & semble a disgreer perent eux mesmes en ceux points insuantes: Primerment, pur ceo q grand Cape gist deuant apparance, & petit Cape puis. Secundeint, per le grand Cape le tenant est summon a respondre al default, & ouster al demandant: Petit Cape summon le tenaunt a respondre al default seulement, & pur ceo est appel

G

petit

The Exposition of

petit Cape, en le veill N.B. 161.162. Vncore Ingham dit, que il nest appel petit Cape, pur ceo que il est de petite force, mes pur ceo que il est petit Brieft en parols.

Cest Brieft semble a conreiner en ceo vn proces oue les Ciuilians appel, *Missio in possessionem ex primo & secundo Decreto*: Car sicome le primer Decree ent seistible chose, & le second donast ceo de luy que fist le second default en son apparence; issint cest Cape seistist le terre & auxy assigne onsteral partie vn iour d'apparence, a quel sil ne vient eins le terre est forfeit. Vncore la est difference perenter ceux deux courses del Common & Ciuile Ley; car cest *Missio in possessionem*, extend a toucher sibien biens mouuables, come immouuables, ou vn Cape extend solement al immouuable.

Secondement, en ceo, Que le partie eueant satisfie de son demaund, le residue est restore a luy que defaulta: Mes per le Cape, tout est seisie sans restitution.

Tiercement, Cesty est al

petit Cape, in the old N.B. 161.162. Yet Ingham sayth, That it is not called petit Cape, because it is of small force; but because it is a little writ in words.

This writ seemeth to contain in it a Process with the Ciuilians called, *Missio in possessionem ex primo & secundo Decreto*: For as the first Decree seisteth the thing, and the second giueth it from him that made the second default in his apparence; so this Cape seisteth the Land, and also assigneth ouer to the partie a day of apparence; at which, if he cometh not in, the Land is forfeited. Yet there is difference betwene these two courses of the Common and Ciuile Law; for this *Missio in possessionem*, extendeth to touch all good goods moueable as immouneable, where a Cape extendeth onely to the immouneable.

Secondly, in this, That the partie being satisfied of his demaund, the residue is restored to him that defaulted: but by the Cape, all is seized without restitution.

Thirdly, That as to the

the of the
Cape is
King.
Tract 3. ca.
The Regist.

Cape ad

Cape ad
Writ of
is thus
Natura Breu
This writ
Cenant
certaine
cheth to
against
Ad warrant
his sword
cometh
given: then
dant recone
nant, he shall
against the
reconer so m
the Wouche
hane so much
not so much
nant shall be
this writ, o
tenements
in for simp
chafe after
nant shall be
a returne
say nothing
the baling.

head of the partie agent, the
Cape is to the use of the
King. See Bracton. lib. 3.
Tract. 3. ca. 1. num. 4. 5. & 6.
The Regist. indic. fol. 2. 2.

vise del partie Agent, le Cape
est al vise le Roy. Vies Bract.
lib. 3. Tract. 3. cap. 1. num. 4. 5.
& 6. Le Reg. Indis. fol. 2. 2.

Cape ad Valentiam.

Cape ad Valentiam.

Cape ad valentiam is a
writ of Execution, and
is thus defined in the olde
Natura Brevium fol. 161. 162.
This writ lieth where the
Tenaunt is impleaded of
certaine landes, and he vouch-
eth to warrantie another,
against whom the summons
Ad warrantizandum hath
bin awarded, & the Vouches
cometh not in at the day
given: then if the Deman-
dant recover against the te-
nant, he shall have this writ
against the Vouches, & shall
recover so much in value of
the Vouches land, if hee
have so much, and if he hath
not so much, then the Te-
nant shall have execution by
this writ, of such landes and
tenements as descend to him
in Fee simple, or if hee pur-
chase afterwards, the Te-
nant shall have against him
a returne, and if he can
say nothing, he shall recover
the value.

Cape ad valentiam est vn
Briefe de Execution, &
est issint definé en le veile
Natura Brevium, fol. 161. 162.
Cest Briefe gist ou le Te-
nant est impleade de cer-
taine Terres, & il vouché
a Garrantie vn auter, veis
que les Summons Ad War-
rantizandum ad este agardé,
& le Vouchée ne vient eins
al iour done: Donques si
le Demandant recouer vers
le Tenaunt, il auera cest
Briefe enuers le Vouchée,
& recouera tant en value
del Terre del Vouchée, sil
tant ad; & sil nad tant,
donque le Tenaunt auera
execution per cest Briefe,
de tiels Terres & Te-
nements que descend a luy
en Fee simple, ou sil pur-
chase apres, le Tenaunt a-
uera vers luy vn Refum-
mons, & sil riens poit
dire, il recouera le va-
lue.

The Exposition of

Et saches, Que cest Briefe
gibt deuant apparence, de
ceux & leur diuers vses, vies
le Table del Regist. iudicial, le
parol eape.

And knowe, that this writt
lieth befoze apparence: Of
these and their diuers vses,
see the Register iudiciall, the
swozd Cape.

Capias.

Capias est del deux sortes,
son deuant iudgement,
appel *Capias ad respondendū*,
en vn Action personall, si le
Viscount sur le primer Briefe
returne, *Nihil habet in balliua*
nostra. Et lauter est vn Briefe
d'execution apres iudgment,
que auxy est de diuers na-
tures, queux vies en le Title
Processe.

Capiar.

Capias is of two sortes,
the one befoze iudgment
called *Capias ad responden-*
dum, in an Action personal,
if the Sherife return vpon
the first writt, *Nihil habet in*
Balliua nostra. And the o-
ther is a writt of Execution
after iudgement, which also
is of diuers nature, which
see in the title Processe.

Capite.

Capite est vn Tenure que
tient vmediatement del
Roy come de son Corone,
soyt ceo per seruice de Chi-
ualer, ou Socage, & nient
dascun Honour, Castell, ou
Mannour, & pur ceo il est
auxy appel vn Tenure que
tient meement del Roy:
Car come le Corone est vn
Corporation, vn Seignorie
en grosse, insint le Roy que
possede le Corone est en le
oyel del Ley perpetualment
& ne vnques est en son Mi-

Capite.

Capite is a Tenure the
holdeth immediately of
the King, as of his Crowne,
be it by Knights seruice or
Socage, & not of any ho-
nor, Castle, or Mannor: & in
this it is also called a tenure
which holdeth merely of the
King: For as the Crowne
is a Corporation, a Seign-
norie in grosse, so is the
King, who posselleth the
Crowne, is in the eye of the
Law perpetually King,
and is neuer in his Mi-

noritie,
more the
whole
reth. So
tura Bre-
more, Ch
of the R.
pire; that
mediatly
grosse, b
some Hon-
nor, belon-
wherof h
Of this, h
That a m
King by
and yet n
caus it m
some Hon-
seruice, th
hands, b
Incessor
ately of th
Crowne,
which aggr
Bre. fol. 3.
are to this
plainly: a
hands the
King as o
Sic, or Ma
in Capite
caus that
in this cas
to the Bal
Castle, or
When the
the King a
then they
pendent, &

noſſite, nor byeth no noſſite, ou moruſt nient
 more than Populus doth, plus que Populus fait, laur-
 whole authoritie hee bea- thorite de queux il pore.
 rsth. So Fitzherberts Na- Veies Fitzherberts Natura
 tura Breuium, folio 5. Yet Brenium fol. 5. Vacore nota,
 note, That a man may hold q vn home poyt teſi del roy
 of the K. and yet not in Ca- & vacore nient en Capite, ceſt
 pite; that is to ſay, not im- adire, nient immediatement
 mediately of the Croſone in del Corone en groſſe, mes
 groſſe, but by meanes of per meanes dascun Honour,
 ſome Honour, Caſtle, or Ma- Caſtle, ou Mannor, appurrei-
 nor, belonging to the croſon, nant al Corone, de que il ti-
 wherof he holdeth his land. ent ſa terre. De ceo Kythen
 Of this, Kythen ſaith wel, bien dit, Que home poyt te-
 That a man may hold of the ner del Roy p ſeruice de Chi-
 King by Knights ſeruice, ualer, & vncore nient en Ca-
 and yet not in Capite, be- pite, pur ceo que poyt eſtre
 cauſe it may be he holdeth of que il tient dascun Honour
 ſome Honour by Knights per ſeruice de Chiualer, que
 ſeruice, that is in the Kings eſt en le maines del Roy, per
 hands, by diſcent from his diſcent de ſon Anceſtors, &
 Anceſtors, and not ſuſtained nient inmediately del
 ſtrely of the King, as of his Roy come de ſon Corone,
 Croſone, fol. 129. With fol. 129 Que que agree Fitz-
 which agreeth Fitzher. Nat. berb. Nat. Bre. fol. 5. k. queux
 Bre. fol. 5. k. whole wordes parols ſont a ceſt effect, Il-
 are to this effect, So that it ſint que il plainement ap-
 plainly appeareth, That piert, Que terres queux ſont
 lands that are held of the tenus del Roy, come d'un
 King, as of an Honour, Ca- Honour, Caſtle, ou Ma-
 ſtle, or Mannor, are not held nor, ne ſont tenus en Capite
 in Capite of the King, be- del Roy, pur ceo que vn brief
 cauſe that a word of Right de Droyt en cel caſe ſerra,
 in this caſe ſhall be diſtinct direct al Baylife del Honour
 to the Baſſiſſe of the Honour, Caſtle, ou Mannor, &c. Mes
 Caſtle, or Mannor, or Wit quant les terres ſont tenus al
 when the lands are held of Roy, come de ſon Corone,
 the King as of his Croſon, donque ils ne ſont tenus de
 then they are not held of Honour, Caſtle, ou Mannor,
 Honour, Caſtle, or Mannor,

The Exposition of

mes meement del Roy,
comme Roy & de son Co-
rone; come d'un Seignorie
de luy mesme en gros; &
le chief de tous autres
Seignories.

Et cest Tenure en *Capite* est autrement appelle, Tenure tiendrant del person del Roy. Dyer, fol. 44. Brooke Titulo Tenures, Numero 61. 99. Et vncore Mayster Kytsben, fol. 208. dit, Que home poet tenir del person del Roy, & vncore nient en *Capite*: Son Case est tiel, Si le Roy purchase Mannor que I. S. tient, le Tenaunt tiendra come il teignoit deuant, & il ne rendra Litterie, ne primer Seisin, ne tiendra en *Capite*. Et si le Roy graunt son Mannour al W. N. en Fee, exceptant les seruices de I. S. donques I. S. tient del Roy come del person del Roy, & vncore ne tient en *Capite*, mes come il tenoit deuant: Per que il semble, Que Tenure tiendrant del person del Roy, & Tenure en *Capite*, sont deux diuers Tenures. A toller quel difference, poet estre dit, Que cest lieu de Mayster Kytsben est destre prise come sil ad dit.

but merely of the King
as of his Crowne, as
of a Seigneurie of it selfe
in groffe, and the chiefe
of all other Seignie-
ries.

And this Tenure in Capite in otherwile called, Tenure holding of the person of the King, Dyer fol. 44. Brooke, Titula Tenures, numero 65. 99. And yet Master Kytchen fol. 208. sayth, That a Spannysh hold of the person of the King, and yet not in Capite: His Case is this, If the King purchase a Mannour that J. S. holdeth, the Tenant shall hold as he did before, and he shall not render his very nob. Primer Seisin, nor hold in Capite. And if the King grants his Mannor to W. S. in Fee, excepting the services of J. S. then J. S. holdeth as of the person of the King, and yet holdeth not in Capite but as he held before: To which it seemeth, that Tenure holding of the person of the King, and Tenures in Capite are three distinct Tenures. To make always which difference, it may be said; That this place of Master Kytchen is to be taken as if he had said

not in, Cap
Serpice,
following
because tha
is, where
Tenure in
tend Tenu
Serpice.

Carke so
quantit
of thirty m
27.H.6.cap.

CArno is
appears
Jur. fol. 191.
That the
made claim
men, to be q
claimants
rest, and al
Escapes, a
of Seiden, a
Backfall,
and Summ

Carue de
taine qu
by Sobich t
acens barre

not in Capite by Knights Service, but by Socage, following the usual speech, because that most commonly, where we speak of Tenure in Capite, we intend Tenure by Knights Service.

Nemy en Capite per service & Chivaler, mes p Socage, pursuant le usual parler, p c q plus communement, ou nous parlerons de Tenure en Capite, nous entendons tenus p service de Chivaler.

Carke.

Carke seemeth to bee a quantitie of Wool, where of thirtie make a Sarpler, 27. H. 6. cap. 2. See Sarpler.

Carke.

Carke semble deffir vn quantite de Lane, de q troy sieme font vn Sarpler, 27. H. 6. cap. 2. Vide Sarpler.

Carno.

Carno is an immunity, as appeareth in Crompt. lxx. fol. 191. where it is said, That the Prior of Whiten made claime for him and his men, to be quit of all Tuncements within the Forest, and also to be quit of Skapes, and of all manner of Gelds, and of Footgelds, Buckstall, Trites, Carno, and Summage, &c.

Carno.

Carno est vn Immunitie, come appiert en Crompt. lxx. fol. 191. ou est dit, Que le Prior de Malton fait claime pur luy & ses homes, destre quit de tous amerciaments deins le Forest, & auxy destre franke D'escapes, & de tous manners de Gelds & de Pee-gelds, Buckstall, Trites, Carno, & Summage, &c.

Carue de terre.

Carue de terre is a certaine quantitie of Land by which the subjects haue bene heretofore taxed :

Carue de terre.

Carue de terre est vn certaine quantitie de Terre, per que les subiects ont este cy deuant taxez :

The Exposition of

sur que le Tribute issint le-
uie, est appel Caruage, Bra-
cton Lib. 2. Cap. 16. num. 8.
Lustleton Sect. 119. dit, Que
Socage mesme oue Caruca, s.
vn Soke ou Carue. Stow en
son *Annals*, pag. 271. ad ceux
parols, Mesme le temps,
Henrie le Roy prist Caruage,
cest adire, deux marques d'ar-
gent d'chescun fee dun Chi-
ualer, al mariage de son soer
Isabel al Emperor. Per que
il semble, que la suite raisse de
chescun Carue de terre tant,
& issint per consequent de
chescun fee d' Chivaler deux
Markes D'argent. Rastal en
son exposition de parols dit,
Que Caruage est destre quit
si le Seignour le Roy taxera
tout le Terre per Carues, cest
adire, vn privilege per que
vn home est exempt de Car-
uage.

Mayster Skene dit, Que
ceo containe cy grand por-
tion de Terre que poyt estre
eyred ou tilled en vn annee &
iour oue vn Carue, que auxy
est appelle Hilde, ou Hilda
Terre.

Wherupon the Tribute so
lented is called Caruage,
Bract. lib. 2. cap. 16. num. 8.
Lust. Sect. 119. saith, That So-
cage is the same with Caruage,
i. a Soke or Plow. Stow
in his *Annals*, pag. 271. hath
these words, The same time
Henrie the King toke Car-
uage, that is to say, two
Markes of Silver for
every Knightes fee, to the
marriage of his sister Isabel
to the Emperor. By which
it seemeth, That there was
raised of every Plow Land
so much, and so consequen-
ly of every Knightes fee
two Markes of Silver. Rast.
in his exposition of words
saith, That Caruage is to
be quit, if the Lord the King
shall take all the Land by
Plowage; that is to say, a
priviledge by which a man
is freed from Caruage.

Mayster Skene saith, That
it consisteth in great a por-
tion of Land as may be ty-
red and tilled in a yeare and
a day with one Plough,
which also is called a Hilde
Hide of Land.

Castel.

Castel
led a Ca-
Bract. li.
the same
3. E. 1. ca.
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this castle
dial. 100
dial. 100

Castellaine.

Castellaine.

Castellaine is a Keeper of Captains, sometimes called a Constable of a Castle, Bract. li. 3. tract. 2. c. 16. in the same manner is called, an 3. E. 1. ca. 7. In the books de feudis, you shall finde Guastaldus to bee of like significatio, but more large, because it is also extended to those that haue the custodie of the Kings mansion houses, called Courts, notwithstanding they are not places of defence or force. M. Manwood pt 1. of the Lawes of the Forrest, pag. 113. saith, that there is an officer of the Forrest, called Castellanus.

Castellaine est vn Keeper ou Capitaine, ascun foits appel vn Constable d'un castle; Bract. lib. 3. Tract. 2. cap. 16. en mesme le maner il est vsc, an. 3. E. 1. ca. 7. En les liures de Feudis voustroueres Guastaldus destre de tiel significatio, mes plus large, pur ceo que il est auxy extend a ceux que ont le custodie de les Mansion measons del Roy, appel Courts, nient obstant que ils ne sont lieux de defence ou force. M. Manwood part 1. del Leys del Forrest, pag. 113. dit, Quela est vn officer del Forest, appelle Castellanus.

Castle-gard.

Castle-gard.

Castle-gard is an imposition layd vpon such of the Kings subiects as dwell within a certain compasse of any Castle, to the maintenance of such a Watch and Ward the Castle Mag. char. ca. 2. & an 32. H. 8. cap. 48. It is sometimes said for the circuit it self, which is inhabited by such as are subject to this service.

Castle-gard est vn imposition ou impose sur tiels Subiects del Roy queux inhabitent deins vn certain compas dascun Castle, al maintenace de tiels queux vigilant & gardont le Castle, Mag. Char. cap. 2. & anno 32. H. 8. cap. 48. Il est ascun foits vsc. p le circuit mesme, que est inhabitee p tiels queux sont subiects a ce service.

casu

The Exposition of

Casu consimili.

Casu consimili est vn Briefe de Entrie, grauntus ou lo Tenant per courtesie, ou Tenant pur terme de vie, ou pur autre vie, alien en fee ou en Taile, ou pur terme dau' vie. Et il ad cest nosme, pur ceo, que les Clerkes del Chancerie ont ceo frame per leur common consent, ensemble al Briefe appel, *In casu prouiso*, accordant al auctorite done al eux p' lestatute de Westminster le 2. cap. 24. que voit, *Quotiescunque euenierit in Cancellaria, Quod in vno casu reperitur breue, & in consimili casu indigente remedio, concordent Clerici de Cancellaria de Breui faciendo, &c.* Et cest briefe est grant a cestuy en reuerſion, vers le partie a quele dit tenant issint alien a son preiudice, & en le vie del dit Tenaunt. Veies pluis de ceo, Fitzherb. Nat. Bre. fol. 206.

Casu prouiso.

Casu prouiso est dons per lestatute de Gloucester cap. 7. Et cest Briefe gift ou Tenaunt en Dower a

Casu consimili.

Casu consimili is a writ of entrie granted whers the tenant by curtesie, or tenant for terms of life, or for the life of another, alieneth in fee, or in taile, or for terme of the life of another. And it hath this name, for this, becaus the Clerkes of the Chancerie have framed it by their common consent, like to the writs called, *In casu prouiso*, according to the auctoritis given to them by the Statute of West. the 2. cap. 24. which willet, That as often as it shall happen in Chancerie, that in one case a Writ is found, and in the like case a remedie is wanting, the Clerkes of the Chancerie should agree to make a writ, &c. And this writ is granted to him in reuerſion, against the partie to whom the said tenant so aliened to his preiudice, and in the life of the Tenaunt. In more of this, F.N.B. fol. 206.

Casu prouiso.

Casu prouiso is given by the Stat. of Gloucester, cap. 7. And this writ lyeth whers Tenant in Dower a

Heneth

Heneth in
of life, or
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or for term
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the Aliene
nant of the
Hand, an
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or, F.N.B. f.

Catals e
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cap. 16. and
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a Writ. With
Hand, the be
ſhe applye to

lieth in fee, or for terms of life, or in tail, the land which she holdeth in Dower, there hee that hath the reversion in fee, or in tail, or for terms of life, shall presently haue this writ against the Aliene, or him that is tenant of the freehold of the Land, and that during the life of the Tenant in dower, F.N.B. fol. 205. n.

lien en Fee, ou a terme de vie, ou en Tayle, la Terre que el tient en Dower, or cestuy que ad le reuersion en Fee, ou en Tayle, ou a terme de vie, maintenant auera cest Briefe vers le Alience, ou cestuy que est Tenaunt del franketenement del Terre, & ceo durant la vie le tenant en Dower, F.N.B. fol. 205. n.

Carals,

Catals.

Catals comprehend in it selfe all goods mouable & immouable; except such as are in nature of freehold or parcell of it, as may be collected out of Stamf. Praer. cap. 16. and anno 1. El. cap. 2. Yes Kitch fol. 32 saith, that money is not to be accounted goods or catals, nor hawks nor hounds, for they are ferae naturae. But it seemeth that money is not a chatel, because it is not as it selfe valuable, but rather in imagination, than in deed.

Catals are either reall or personall: Catals reall bee either such as do not immediately appertain to the person, but to some other thing by way of dependance; as a Horse with writings of Land; the bodie of a tower, the apples upon the tree, or

Catals comprehend en ceo; tous biens mouable & immouable, fors que tiels que sont en nature de Franketenement ou parcel de ceo, come poet estre collect hors Stamf. Praerog. cap. 16. & anno 1. Elisab. cap. 2. Vncore Kitch. fol. 32. dit, Que money nest desir account biens ou chatals, ne esperus, ne chiens, car ils sont ferae natura. Mes il semble, que money nest catal, p ceo q nest deluy mesme chose valuable, mes pluis en imagination que en fait.

Catals sont ou Reall ou personall: Catals reall sont ou tiels que ne appertienont immediatme al person, mes al aucun aut chose p voy de dependance; eoe vn boxe oue charcs de terre, le corps dun gard, les pomes sur labre, ou labre

The Exposition of

arbre mesme croissant sur
le Terre, *Crompton fol. 33. b.*
Ou autrement tiels que sont
issuants hors d'aucun chose
immouable, al person, cōc
vn Lease pur Rent ou terme
dans.

Personal poit estre issint
appel en deux respects, L'un
p' c' q' ils appent immediate-
ment al pson d'un home, cōc
vn chival, &c. L'aut' p' c', que
quant ils sont tortionnement
détaigne, nous ne auom' pas
ascun aut' means p' leur reco-
uerie fors q' p' psonal actiōs.

Les Ciuiilians compren-
dout ceuz choses, & auxy
tires d' tous natures, ou Te-
nures, desouth le parol *Bona*,
q' est p' eux diuise in *mobilia*
& *immobilia*. *Vide Bract. li. 3*
cap. 3. aa. 3. & 4.

Certiorari.

Certiorari est vn Brieft, &
gift lou vn est impleade
en vn base Court, que est de
Record, & il suppose q' il ne
poit auer equal Iustice la,
donques sur vn bill en le
Chancerie comprisant alcuna
matter en conscience, il au-
ra left Brieft pur rempou-
ter le Record en le Chan-
cerie, & la deus determin-
er.

the tree it selfe growing up-
on the ground, *Crom. f. 33. b.*
Or else such as are issuing
out of some thing immoua-
ble, to the Person, as a
Lease for rent or terme of
yeares.

Personal may be so called
in 2. respects, the one because
they belong immediately to
the person of a man, as a
horse, &c. The other, because
that when they are wrong-
fully detained, wee haue no
other meanes for their reco-
uery, but personal actions.

The Ciuiilians compre-
hend these things, and also
liab's of al natures & tenures
vnder the word goods, which
is by them diuised into Mo-
uables & Immonables See
Bract. li. 3. ca. 3. nu. 3. & 4.

Certiorari.

Certiorari is a writ, and
lieth where a man is im-
pleaded in a base Court that
is of Record, and hee suppo-
seth that he may not haue
equall Justice there, then
vpon a bill in the Chancery
comprising some matter
of conscience, hee shall haue
this writ to remoue all the
Record into the Chancery,
and there to bee determined
by

by con-
not his
party s
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nation, &
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fore if the
Officiall of
tise an exa
of an action
lasto, this
was resolu
3. fol. 68.) b

by conscience, but if he proue
not his Will, then the other
party shall have a writ of
Procedendo, to send u-
gains the Recorde into the
base Court, and there to be
determined. And it lyeth in
many other cases, for to
remoue Recordes for the
King, as indictments and
others.

per conscience, mes sil ne
proua son Bil, donques l'au-
ter party auera vn Briefe de
Procedendo, a remaund le
Record en le base Court, &
la destre determine. Auxy il
gist en plusors autres cases,
pur remouer Records pur le
Roy, come indictments &
autres.

Certificate.

Certificate.

Certificate is a writing
made in some Court, to
give notice to another court
of something done there, as
a certificate of the cause of
attaint, is a transcript by let-
ter made by the clerks of the
crown, Clerks of the peace,
or Clerks of assize to the
court of R. bench, containing
the tenor and effect of every
indictment, outlawrie, or con-
uiction, & Clerks attainted
made or declared in any o-
ther Court.

Certificate est vn escript
fait en ascun court, a do-
ner notice al aut court d'as-
chose fait la, come vn certi-
ficate del cause d'attaint, est
vn transcript briefement fait
per le clerk del corone, clerk
del peace, ou clerke d'assise
al court del banke le Roy,
contenant le tenor & ef-
fect de chescun indict-
ment, vtlagarie, ou conui-
ction, & clerke attaint fa-
it ou declare en ascun au-
ter Court.

But note, that this certi-
ficate ought to bee made by
him, that is the immediat of-
ficer to the Court, and there-
fore if the Commissaries or
Officiall of the Bishop certi-
fies an examination in bar
of an action at the common
Law, this is not good (as
was resolved in Coke, lib.
3. fol. 68.) but such excom-

Mes nota, que cest cer-
tificate doit estre fait per
cestuy, que est le immedi-
ate officer al court, & pur
ceo si le Commissarie ou
Officiall del Euesque, cer-
tifie vn excommengent en
barre d'un action al com-
mon Ley, ceo nest bone
(come fuit resolué en Coke
lib. 3. fol. 68.) mestiel excom-
meng-

The Exposition of

engagement doit estre certifie
per Leuesque meisme : Vn-
core le Certificate d'un ex-
commencement per special
Commissioners delegates
desouth lour common seale
fuit allow, & tenu asseus
bone en le common banke
Dier fol. 371. pla. 4.

munication ought to be cer-
tified by the Bishop him-
selfs : Yet the Certificate of
an excommunication by spe-
cial Commissioners Dele-
gates vnder their common
seale was allowed, and held
good enough in the common
place, Dier fol. 371. pla. 4.

Certification de Assise.

Certification d'un Assise de
Nouvel disseisin, &c. est vn
Briefe agard, a re-examiner
ou reuifer vn chose passe
per Assise deuant ascun Ius-
tices; & est vse quant home
appiert per son Baylife a vn
Assise port vn autre, &
perde le iour, & ad ascun
autre chose ouster a pleader
pur luy meisme, come vn
fait de release ou, &c. que
le Baylife ne pleader oit
ou ne puit pleader pur luy,
pria vn mieux examination
del cause, ou deuant meisme
les Justices, ou auters, &
acquire Letters Patents
(vide lour forme F. N. B.
181.) & donque port vn
Briefe al Vicount d'appeller
le partie pur que l'assise ad
passe, & auxy le Iurie que
fuit impannel sur meisme
l'assise deuant les dits Ius-
tices a vn iour & lieu cer-
taine.

Certification of Assise.

Certification of Assise of
Nouvel disseisin, &c. is
a writ awarded to re-exa-
mine or reuise a matter
passed by Assise before any
Justices, and is used when
a man appeareth by his
baylife to an Assise brought
by another, and loseth the
day, and hath some other
matter to plead further for
himself, as a Writ of re-
lease, or, &c. which the bay-
life did not plead or might
not plead for him, desir-
eth a better examination
of the cause, either before
the same or other Justices,
and obtaineth Letters Pa-
tents (see their forme F. N. B.
181.) and then bringeth a
writ to the Sheriffe to call
the partie for whom the as-
sise had passed, and also the
Jurie which was impane-
lled upon the same Assise
before the sayd Justices at
a day and place certain.

Ind
cats, b
mentio
Sheriff
ties co
fectins
doubes
the B
hath d
patents
the bet
themsel
poynts
swore du

Cession
clef
created
Parson
sakerh
without
therwile
In both
Benefice
and bes
by cession
he had
Bishop, c
sent for
the other
may ppe

Cessauit
ipeth
Cenaunt

And it is called a certifi-
cate, because that therein
mention is made to the
Sheriffe, that upon the par-
ties complaint of the de-
fective examination, or
doubtes remaining yet upon
the Wille passed, the King
hath directed his Letters
patents to the Iustices, for
the better certifying of
themselues, whether all the
poynts of the sayd Wille
were duly examined or not.

Et est appel vn certifi-
cate, pur ceo que en ceo mē-
tion est fait al Vicount, que
sur le parties complaint del
defective examination, ou
awrust vncore remainant
sur le Assise passe, le roy ad
direct ses Letters Patents a
les Iustices, p le mieux cer-
tification de leur mesmes
ou tous les points del dit
Assise fueront examine ou
nemy.

Cession.

Cession.

Cession is when an Ec-
clesiastical person is
created Bishop, or when a
Parson of a Parsonage
taketh another Benefice
without dispensation or o-
therwise not qualified, &c.
In both cases their first
Benefices are become void,
and bee said to become void
by cession: and to those that
hee had who was created
Bishop, the King shall pre-
sent for a time whoformer
bee patron of them: And in
the other case the patron
may present.

Cession est quant vn Ec-
clesiastical person ē cree
Euesque, ou quant vn Par-
son d'un Parsonage prist
vn autre Benefice sans dis-
pensation ou autrement nient
qualified, &c. En ambideux
cases leur primer Benefices
sont deuenus void, & sont
appelle desre void per ces-
sion: Et al ceux que il ad q
fuit cree Euesq, le Roy pre-
sentera pro illa vice, qui su-
que soit patron de eux. Et en
l'auter case le patron poit
presenter.

Cessavit.

Cessavit.

Cessavit is a writ, and it
lyeth where my vertie
Cessavit which holdeth of

Cessavit est vn Brieft, &
gist lou mon verie Te-
nant que tient de moy cer-
taine

The Exposition of

tainc fies ou tenements, rē-
dant certaine rent per an, &
le rent est auec nient pay
p deux ans, & nul sufficient
distresse poit estre trouue sur
le terre, donques ieo auera
cest Briefe per que ieo reco-
uera le terre, mes si le tenāt
vient en court deuant iudge-
ment, & tendra les arrera-
ges, & les damages, & trouue
surerie, que il ne ces-
sera pluies en payment de dit
rent, ieo sera compel de pū-
der les arrerages & les da-
mages, & donques le tenant
ne perdra la terre. Auxy le
heire ne poit maintaine cel
Briefe pur cesser fait en tēps
son ancester. Auxy cest brief
ne gist mes pur annual
seruice, come rent & huius-
modi, & nient pas pur ho-
mage & fealtie.

Auxy il y ad auter Briefe
appel *Cessauit de cantaria*,
& gist ou vn done terres a
meafon de religion a trouuer
pur lalme de luy & de ses
ancestors, & de ses heires
aunualment vn chandel ou
lampe en Esglise, ou pur
faire asc' diuine seruice, ou
de passer les pouders, ou auēs
almes, ou auter tiel chose
faire, donque si les dits
charges ne sont pas fait p 2
ans, dūq; le donor ou ses hīrs

me certain lands and te-
nements, yelding certain
rent by the yeare, the rent
is behinde not paid by two
yeares, and no sufficient dis-
tresse may be found vpon
the Land, then I shall re-
couer the Land; but if the
tenant come into the Court
before iudgement giuen,
and tender the arrerages
and damages, and find surer-
ties, that hee shall cease no
more in payment of the sayd
rent, I shall bee compelled
to take the arrerages and
the damages, and then the
tenant shall not lose the
land. Also the heire may
not maintaine this writ
for the cesser made in the
time of his ancestors: Also
this writ lyeth not, but for
annual seruice, as rent and
such other, and not for ho-
mage and fealtie.

Also there is another
writ, called *Cessauit de can-
taria*, and it lieth wher
man giueth land to a house
of Religion, to finde for his
souls and of his ancestors,
& his heires yearly a candle
or lampe in the Church, or
to say any diuine seruice, or
to feede the poore, or other
almes, or some other thing
to do, then if the said charge
be not done in two yeares,
then the donor or his heires
shall

shall
whoso
giuen
the

Chall
take
sons,
as in an
or any o
or in cal
the writ
Against
claration
76.

Chall
Jurors,
the Aray
Challong
where ex
to the wh
impanelle
lunge to o
where ex
to any one
indifferent
the Jurors
into Chall
and Chall
that is to
reason: C
cipall, or
that which
eth, without
or examina
nor at Bar
on felony, a
challenge to

shall haue this writ against whosoever holdes the thinges giuen after such cessure: see the Statute W.2. cap. 41.

auera cest Brieu vers que- cunque est eins apres tiel cesser. Vide lestatute W.2. cap. 41.

Challenge.

Challenge is an exception taken either against persons, or things: Persons, as in an Assise, the Jurors; or any one, or more of them; or in case of Felonie, by the Prisoner at the Barre: Against things, as a Declaration, Old Nat. Br. fol. 76.

Challenge made to the Jurors, is either made to the Array, or to the Polles. Challenge to the Array, is where exception is taken to the whole number, as impannelled partially: Challenge to or by the Polle, is where exception is taken to any one, or more, as not indifferent. Challenge to the Jurors, is also diuided into Challenge Principall, and Challenge for Cause, that is to say, vpon cause or reason: Challenge Principall, or Peremptorie, is that which the Law alloweth, without cause alledged, or examination: as a prisoner at Barre arraigned by or felony, may peremptorily challenge to the number of xx.

Challenge.

Challenge est vn exception prise ou enuersé persons; ou choses: Persons, come en vn Assise les Jurors, ou ascun vn, ou plus de eux; ou en case de Felonie, per le Prisoner al Barre: Vers Choses, come vn Declarations. Vet. Nat. Br. fol. 76.

Challenge fait a les Iurors, est fait ou al Array, ou a les Polles: Challenge al Array, est ou exception est prise (al entire nombre, come impannel partialment: Challenge al ou per le Polle, est ou exception est prise al ascun vn, ou plus, come nient indifferant. Challenge a les Iurors, est auxy diuide en Challenge Principall, & Challenge per Cause, cest adire, sur cause ou raison. Challenge Principal, ou Peremptorie, est ceo que le Ley allowe, sans cause alleedge, ou examination: Come vn prisonner al Barre arraigne sur Felonie, peut peremptoriment challenge al nombre de vingt

The Exposition of

vn apres auoir del Iurie im-
pannel, sur luy, nient alled-
ger de ascun cause, mes son
dislike demesne, & ils ser-
ront discharge, & nouels
mise en leur lieux; & ceo
est *in fauorū vita*. Mes en
le case de hault Treason;
nul peremptorie Challenge
est allowe. Vide 25. H. 8.
cap. 3. Et vn difference poit
estre obserue perenter Chal-
lenge principal & Chal-
lenge peremptorie, pur ceo
que Challenge perempto-
rie semble solement deſtre
vſe en choses criminal, &
merement sans ascun cause
alleage plus que le ſole
phantasie del prisoner,
Stamford, Pl. Coron. fol. 124.
& principal pur le greinder
part en Civile Actions, &
oue le noſmant de ascun
exception, que eſteant
trouue voyer le Iey main-
tenant allowe. Come pur
exemple, ſi ascun partie
dit, Que vn des Iurors eſt
le Fils, Frere, Cousin, ou
Tenant al autre partie, ou
eſpouſe ſon File; & ceo eſt
vn bone & fort exception,
ſil ſoit voyer, ſans plus
examination del credit del
partie challenge, Et de que
large extent ceſt Challenge
de Conſanguinitie eſt, il
bien appiert, *Plow. fol. 425.*

one after another, of the
Iurie impannelled vpon
him, nor alleadging any
cause at all, but his owne
dislike, and they shall be
discharged, and newe put
into their places: and this
is in fauour of life. But in
the case of high Treason,
no peremptorie Challenge
is allowed. See 25. H. 8.
cap. 3. And a difference
may be obserued betwix
Challenge principall and
Challenge peremptorie, be-
cause that Challenge per-
emptorie seemeth onely to
be vſed in matters crimi-
nall, & merely without any
cause alleaged, more then
onely the prisoners fantasie
See *Stamf. Pl. Coron. fol. 124.* and
principall for the most part
in Civile Actions, and with
the naming of some excep-
tion; which being found
true, the Iury presently al-
loweth. As for example,
if any partie sayth, That one
of the Iurors is the Son
or Brother, Cousin, or Ten-
nant to the other partie, or
married his daughter, this
is a good and strong excep-
tion, if it be true, without
further examination of the
credit of the party challeng-
ed. And how largely this chal-
lenge of Kindred extendeth,
is well apparent, *Plow. fol. 425.*

Also in the
of any ac-
tion re-
is action
the debt or
tith to for-
god chal-
Iurie im-
cannot dis-
by the ver-
bold, Añ 1
Challen-
cause, is to
lodgeth an
against one
Iurors, for
which ſhall
knowledge
thereof, but
die and con-
rest of the I-
ſonne of the
ried the dou-
nerſe partie
by cause ſer-
ued by Ky-
lenge for ſa-
Challenge for
ſays to be a
kenge by Ca-
may also re-
ges are com-
ted for princ-
not;

Also in the plea of the death of any man, and in euery Action real, and also in euery Action personall, where the debt or damages amounteth to foytfe markes, is is a god challenge to any of the Iuries impanelled, That he cannot dispend xl. shillings by the yers of his owne frehold, An 11. H. 7. ca. 21.

Challenge vpon reason or cause, is when the party alledge any such exception against one or more of the Iuries, which is not foytfe with sufficient, vpon acknowledgement of the truth thereof, but rather arbitrarie and considerable by the rest of the Iuries, as if the sons of the Iuries had married the daughter of the aduerser partie, this challenge by cause seemeth to bee termed by Kyth. fol. 92. Challenge for fauour, or rather Challenge for fauour is there sayd to be a Species of challenge by Cause: where you may also read what challenges are commonly accounted for principall, and what not.

Auxy en le plea del mort d' aucun home, & en chescun Action real, & auxy en chescun Action personall, ou le det ou damages amount al 40. Markes, il est bone Challenge al aucun del Iurie impanel, que il ne poet dispendre 40. s. p' l'an, de son franktenement demesne, Anno. 11. H. 7. cap. 21.

Challenge sur Reason ou Cause, est quant la partie alledge aucun tiel exception vers vn ou plurs d' Iurie, que n'est immediate sufficient sur conuissance del voierie d' ceo, mes arbitrarie & considerable per le residue des Iurors, come si le Fils le Iurour ad espouse le Fille del aduerser partie, cest challenge per cause semble per Kyth. fo. 92. destre Challenge per fauour, ou potius Challenge p' fauor, est la dit destre vn Species de Challenge per cause, ou poys auxiliar queux Challenges sont communement accounte par principal, & queux nemy.

H 2

Cham-

Chamberdekins.

Chamberdekins sont Irish Beggars, que per lestatut de 1. Hen. 5. cap. 3. fueront p vn certaine temps deins mesme lestatute expresse, d'auoyer cest Terre.

Champertie.

Champertie est vn briefe, & gist lou deux homes sont impleadants, & lun done la moitie ou part del chose en plet, a vn estrange, pur luy maintenir encounter le autre, donques le partie grieue, aueta cest Briefe deuers le estrange. Et semble que ceo ad este vn antient pechie en nostre Terre: Car nient obstant diuers Statutes, & vn forme de vn briefe frame a eux, vncore Anno 4. *Edw. 1. d. 3. cap. 11.* fuit enact. Que ou les primer Statuts prouide redresse pur ceo solement en Banke le Roy, que donques attend le Court, il seroit loyall pur les Iustices del Common Pleas enserment, & Iustices D'assises en lour Circuits, de euqnrir, oyer & determiner ceux & tiels Cases, cybien al suit le Roy,

Chamberdekins.

Chamberdekins are Irish Beggars, which by the Statute of 1. Hen. 5. cap. 3. were by a certaine time within the same Statute limited, to auoyd this Land,

Champertie.

Champertie is a Writ, and lieth where two men be impleading, and one giueth the halfe or part of the thing in Plea, to a stranger, for to maintaine him against the other, then the partie grieved shall haue this Writ against the stranger. And it seemeth, that this hath ben an antient fault in our realme, for notwithstanding diuers Statutes, and a forme of a Writ framd vnto them yet An. 4. Ed. 1. ca. 11. it was enacted, That where the former Statutes prouided redresse for this ouely in the Kings Bench, which then folloved the Court, it should be lawfull for the Iustices of the common Pleas likewise, and Iustices of Wille in their Circuits, to enquire, hear, and determine these & such cases, as well at the K. suit,

as at the
Also it is
Statute
was con-
tute of 37
Iustices o-
ter session
theorie re-
by the oar
by the int-
them by a
sons. of c-
tempts, &
ted again-
taken mad-
cerning or
perre, &
to heare a
sard fault.

Champe-
none ple-
to be mou-
or others p-
sue them as
to haue pa-
gaines in
Statute Ar-
tas, cap. 11.

Chan-

Chance-
none lo-
sent, both a
tham, not
& yet much
much to his
as it is man

as at the suite of the partie. Also it was ordained by the Statute of 33. H. 8. (which was confirmed by the Statute of 37. H. 8. ca. 7.) That Iustices of Id. at their quarter sessions should have authority to enquire, as well by the oaths of 12. men, as by the information given to them by any person or persons, of the defaults, contempts, & offences committed against the lawes & statutes made & provided concerning or touching Champerty, Maintenance, &c. and to heare and determine the sayd faults and offences.

Champertors be they that moue ples & suites, or cause to be moued by their othes or others procurement, and sue them at their owne costs to haue part of the lands or gaires in variance. &c. the Statute Articuli super chartas, cap. 11.

Chance-medley.

Chance-medley is when a man without any enuie intent, doth a lawfull thing, by which he is prohibited or inhibited to his death thereby: as if a man catch a horse,

come al suit del party. Auxy fuyt ordeigne per l'estatut de 33. Henr. 8. (que fuyt confirmé per le Statute de 37. Henr. 8. cap. 7.) Que Iustices del Peacea lout Quarter Sessions aueront authority denquiter cybien per le serments de 12. homes, come per lenformation done a eux per aucun person ou persons, des defaults, contempts, & offences comise encontre les leys & Statutes, fuyt & puruiwes concernants ou touchants Champerte, Mayntenance, &c. & a oyer & determiner les diis faults & offences.

Champertors sont ceux qui moue ples & suites, ou cause desle moue p l'ou ou auters procurement, & sue a l'ou ou auters charges & charge demesne, par au part del ise ou gaires en variance. Vies lestat Articuli super Chartas cap. 11.

Chance-medley.

Chance-medley est quant un home sans aucun mal intent, fait un loyall chose, ou que nest prohibite per Ley, & vacore auter est tue, ou vient a son mort per ceo, sicome home ict un pierre, que

The Exposition of

que percusse home ou Feme,
tue apres de ceo morast, ou
si home sagitte vn Fletch, &
auter que passe cest voy est
occide, & tiels semblables,
cest maner d'occision est
homicide per misadventure,
ou Chance-medley, pur que
cestuy que occide auera son
pardon de course, come ap-
piert per l'estatute de 6. Ed-
ward. 1. cap. 9. & il forfei-
tera ses biens en tiel maner
come cestuy que tuera vn
home en son defence. Mes
en cest case est destre con-
sider ou cestuy que commit
cest homicide per Chance-
medley fuit en seafans dun
loyal chose, car si l'a & fuyt
illoyal, come a pugn' al Bar-
riers, ou curre a Tille sans
commandement le Roy, ou
jetter pierres en vn Haute-
voy ou homes vsualmente
passe, ou sagittant Fletcher
en vn Market lieu, ou tiels
semblables, per que vn home
est occide, en tous ceux cases
il est Felony al meutes, c'est a
sauoir, homicide, sinon que
soyt murder, car l'offendor
esteant sefant dun illoyal
act per son volunt demesne,
la ley construs son meaning
& volunt en & per le successe
del act.

Cōc si deux sont pugnans

which striketh a man or
woman; who after death
therof: or if a Man shoot-
eth an Arrow, and another
that passeth this way is kil-
led, and such like, this man-
ner of killing is Chan-
ce-medley by misadventure,
or Chance-medley, for which
he which killeth shall haue
his pardon of course, as ap-
peareth by the Statute of 6
Ed. 1. cap. 9. and hee shall for-
feit his goods in such man-
ner as hee that shall kill a
man in his owne defence.
But in this case it is to be
considered, whether hee that
commiteth this manslaugh-
ter by Chance-medley was
in doing of a lawfull thing,
for if the act was lawfull,
as to fight at Barriers, or
runne at Cote without the
Kings commandement, or
cast Stones in a Highway
where men vsually pass, or
shooting Arrows in a war-
ket place, or such like, wher-
by a man is killed, in all
these cases it is Felony at
least, that is to say, Man-
slaughter, if not Murder,
for the offender being volun-
tary of an unlawfull act, though
his owne will, the Act he
commits his meaning, a fel-
demy, by the force of the
law.

But if two are fighting
together,

together
commeth
is killed
without
thought
him that
this is u-
not man-
medley of
cause the
thought to
ing of an
if they be
penced ma-
ding to kill
is murder

Chapter
or Com-
matters a-
red of by
Cote, but
of the De-
mons: so
cap. 27. in
that no Fel-
demy: nor
in Cote
thing for
pleas, but
Indictment
and Indict-
cap. 10. in
which the
Chapter
in Cote, &

together, and a third man cometh to part them, and is killed by one of them two without any malice forethought, or euill intent in him that killed the man, yet this is murder in him, and not manslaughter by chance-medley or misadventure, because that they two that fought together were in doing of an unlawful act. And if they were met with premeditated malice, the one intending to kill the other, then it is murder in them both.

ensemble, & vn tierce home vient a seuer eux, & est occide per vn de eux deux, sans aucun malice, prepenche, ou male entent en luy que occid le home, vacore ceo est murder en luy, & aemy homicide p chance-medley ou misadventure, pur ceo q ilz deux que combateront ensemble, fueront en seaisance d'un illoyal act. Et si ilz fueront assemble oue malice ppenche l'un intendant d'occid l'auter, donque il est murder en eux ambideux.

Chapiter.

Chapiter.

Chapiter is a Summarie
or Contens of all such
matters as are to be enquired of before Iustices in Eyre, Iustices of Assise, or of the Peace in their Sessions: so it is used, 3. Ed. 1. cap. 27. in these words, And that no Clerke of any Just. Sicheator, or Comissoner in Eyre, shall take any thing for deliuerie of Chapiters, but only Clerkes of Iustices in their Circuits: and ibidem, 13. Edw. 1. cap. 10. in these words, And when the time cometh the Sherif. shall certifye the Chapiters before the Just. in Eyre, how many Justices

Chapiter est vn Summarie
ou content de tous tiels choses que sont destre enquire deuant Iustices en Eyre, Iustices d'Assise, ou del Peace en leur Sessions: Et sint est vse, 3. Edward. 1. cap. 27. en ceux parols, Et que nul Clerke d'aucun Justices, Escheator, ou Commis-sioner en Eyre, pndre asc' chose pour deliuerie de Chapiters, mes soleint Clerkes de Iust. en leur Circuits, & ensint 13. Ed. 1. ca. 10. en ceux pols, Et quant le temps vient, le Vicount certifiera les Chapiters deuant les Iustices en Eyre, quel nombre des Justices

The Exposition of

il ad. Auxy Britton en mesm
signification vſe cest parol,
cap. 3. Et a cest iour Chapi-
ters sont appellez Articles, pur
le greinder part, & sont deli-
cy bien per la bouche del Ju-
stice en son charge, come per
les Clerkes en escript, al En-
quest, ou en antient temps ils
fueront, apſ vn exhortation
done per les Justices, pur le
bone obseruation del Leyes
& peace del Roy, primermet
lye distinctement de appier-
ment en le pleine Cours, &
donque deliuer en escripte al
grand Enquest. Vn exam-
ple de ceux Chapters la est en
le Liuer de Assises, fol. 138.
Plac. 44.

Chapleins.

Chapleins est celuy que
fayt Diuine Service en
vn Chappel, & pur ceo est
communement vſe pur celuy
que depend sur le Roy ou
auter home de qualitee, par
senſtruction de luy & son
famille, Recreation de Ori-
sons & Sermons en son pri-
uat meson, ou communement
ils ont vn Chappel par cel
purpose.

Et pur ceo que ils sont re-

be hath. Also Britton in the
same signification useth this
word, cap. 3. And at this day
Chapters are called Arti-
cles for the most part, & are
delivered as well by the
mouth of the Justice in his
charge, as by the Clerks in
writing, to the Enquest,
where in antient time they
were, after an Exhortation
given by the Justices, for
the obseruation of the laws
of the Kings peace, first read
distinctly and openly in the
full Court, and then deliue-
red in writing to the grand
Enquest. An example of
these Chapters there is in
the Booke of Assises, fo. 131.
Placito 4.

Chapleins.

Chapleins is hee that
performeth Diuine
Service in a Chappel,
and therefore is commonly
used for him that dependeth
upon the King, or other
man of worth, for the instru-
ction of him and his fa-
mily, the reading of Chap-
ters & Sermons in his pri-
uate house, where usually
they haue a Chappell in
that purpose.

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non libe-
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fices.

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Chapleins

gained by Letters under the Seals of their Patron, and thereby by indentments are to be resident with them, the Law hath therefore given libertie for their non-residence upon their Benefices.

If an Earle or Baron retayneth a Chapleyn, and before his advancement bee attainted of Treason, there the Retainer is determined, and after the attainder such Chapleyn cannot take a second Benefice, because he that is attainted is by his Attainder a dead person in Law. And what persons of the Nobilitie and others may retayne, and how many Chaplaines respectively they may retaine, the Statute of 21 H. 8. c. 13. doth well declare.

The wife of a Baron, during the Continuance may retaine a Chaplain, yet when a Baronesse widdow retaineth one or two, according to the Statute of the said Statute, the Retainer is the principal matter, & as long as the Retainer is in force, and the Baronesse continueth a Baronesse, the Chaplaines may well take

teine per Letters desonthe le Signet de leur Patron, & per ceo sont per entandement destre resident one eux, le Ley ad done libertie pur leur non resiance sur leur Benefices.

Si vn Count ou Baron deteygne vn Chapleyn, & reuaut son aduancement soyt attaint de Treason, la le reteygnere est determinee, & apres le attainder, tel Chapleyn ne poet accept vn second Benefice, pur ceo que cestuy que est attaint est per son attainder vn mort person en Ley. Et queux persons de Nobilitie & autres poyent reteyn, & quant Chapleynes ils feueralment poyent reteyne, la Stat. de 21. Hen. 8. cap. 13. bien declare.

La Feme d'un Baron durant le Couerture ne poyt reteygne vn Chapleyn, vncore quant vn Baronnesse widdow reteygne vn ou deux, selonque le Prouiso del dit Act: cest reteygner est le principal matter, & si longe come le reteygner est en force, & le Baronnesse continue vn Baronnesse, les Chapleynes bien poyent accepter deux

The Exposition of

deux Benefices per l'expresse
letter del Act, car il suffist, si
ul temps del reueynner, le
Baronelle fuyt Widdow. Et
en ceo cest rule est desire
entend dun Ferme que at-
teyne Nobilitie per Marri-
age, come per mariage dun
Duke, Count, ou Baron, &c.
car en tiel Case sel apres
marrier desouth le Degree
de Nobilitie, per tiel mar-
riage oue vn que est igno-
ble, el perde sa dignite a que
el ad attaine per marriage, &
apres tiel darreine marriage,
le poyar de reueyn' vn Chap-
leine est determine. Mes au-
terment est ou seme est nobl
per discent, car la sa deteyner
deuant ou apres le marriage
oue vn que est ignoble serra
en force, & nemy counter-
mand per le marriage, ne
determine p sa prisel dun ba-
ron desouth sa degree, *Col. li. 4.*
118.119.

Chapter.

Chapter en Latyne est de-
fine desire congregatio-
nem clericorum in Ecclesia ca-
thedrali, conuentuali, regulari,
vel collegiata, & en aut signi-
ficac' locum in quo sunt com-
munes tractatus collegiatorum,
& il ad auters significati-

two benefices by the expresse
letter of the Act. for it suffi-
ceth, if at the time of the re-
tainer the Baronelle were a
widow: herein this rule is
to be observed of a woman
that attaineth Nobilitie by
marriage, as by marriage of a
duke, earle, or baron, &c. for
in such case if she afterward
marrie under the degree of no-
bilitie, by such marriage with
one that is not noble, she lo-
seth her dignity: whereunto
she had attained by marriage,
& after such latter marriage,
the power to retain a Chap-
lain is determined. But o-
therwise it is where a wo-
man is noble by descent, in
there her retainer before or
after the marriage with one
that is not noble, shall be in
force, & is not countermanded
by the marriage, nor determi-
ned by her taking of a hus-
band under her degree, *Col.
li. 4. fo. 118.119.*

Chapter.

Chapter in latyn is defined
to be an assembly of clerics
in a church cathedral, concen-
tual, regular, or collegiat, & in
another significacion, a place
wherein common tractis of
men Collegiat are made, and
it hath other significati-
ons

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assigns,
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Ch

Chapter
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that is to
writing,
is called
lands be-
fore by
folkland
lands, doch

ons which appertain not to our purpose: & it may be said that this collegiat company is termed Chapter metaphorically, the word originally implying a little head, for this company or corporation is as a head, not only to rule & govern the diocess in the vacation of the bishoppe, but also in many things to advise the bishop when the See is full.

ons que ne pas appent a nostre purpose: & poet estre dit, q̄ cē collegiat society est apel Chapē metaphore, le pol originalmēt impliont vn petit teste, car cē society ou corporation est sicome vn teste, non solēnt a gard' & gōūñ l' diocesse en le vacation del Eueque, mes auxy en plusieurs choses d'aduiser Leueq; q̄nt le Sea est pleine.

Charge.

Charge.

CHARGE is where a Man granteth a Rent issuing out of his ground, & that if the rent be behind, it shall be lawfull for him, his heires, & assignes, to distreyns til the rent be payd, this is called a Rent-charge. But if one grant a Rent-charge out of the land of another; though after hee purchase the land, yet the Grant is voyd.

CHARGE est lou vn hōe grāta vn rent issuant hors de son terre, & que si le Rent soyt arere, que serra loyall a luy, ses heires, & assignes, a distreynner tanq; le rent soyt pay, cē appel vn Rēt-charge. Mes si vn grant vn rēt charge hors del frē d'un autr, comēt puis il purchase la frē, vncore le grant est voyd.

Charter-land.

Charter-land.

CHARTER-land is such as a man holdeth by charter, that is to say, by euidence in writing, which otherwisse is called freehold. Copyhold lands before the Conquest, were by the Barons called Folkeland, and the Charter lands, bockeland. And Ma-

CHARTER-terre est tiel que home tient p charē, cest adire, per euidence en estript, que auient est appel frank-tenement. Copyhold Terres deuaunt le Conquest furent per les Saxons appelle Folkeland, & les Charter terres Bockland. Et Moun-

sieur

The Exposition of

Sieur Lambert en son explication de Saxon parols, dit, Que cest terre fuit tenuz ouc plus facile & commodious conditions que folkeland ou Copyhold Terre tenuz sauns escript: Et son reason est, pur ceo que il est vn frank & immune Inheritance, ou Terre sans escript est charge ouc payments & seruitude, que p le greind' part, homes de nobilitie & bone qualitie possedent le primer, lauter est possesse per lay & rusticke homes, le prim nous appello-mus Franketenement, & per Charē, laut fire, al volunt del Seignior.

Si Ryott, Rout, ou illoval assemblee soyt commise & fayt, donque per laet de 19. H. 7. cap. 13. vint homes inhabitant deins le Countie ou le Ryot, & c. est fayt, (de q chescun de eux auera terres & tenements deins meism' countie, al annuel value de vint soulze de charhold ou frak-teneant, ou vint & six soulze de copyhold) ferront enquiry de ceo.

Charters.

Charters de Terresount
Escrips, Fairs, Euidences,

Sieur Lambert in his Explication of Saxon wordes, saith, That this Land was held with more easie & commodious conditions than folkland & copyhold lād held without writing: And his reason is, because it is a free & absolute inheritance, where land without writing is charged with payment and bondage; that for the most part men noble and of good qualittie possesse the former, the other is possessed by lay country men, the first we call frankhold and by Charter, the other, Land of the wit of the Lord.

If a ryot, rout, or unlawful assemblee bee committed and done; then by the Statute of 19. Hen. 7. cap. 13. twentie men inhabiting within the Countie where the riot, or is made, (whereof euerye of them shal haue lands & tenements within the same shire to the perye value of twentie shillings of chāderholde or freehold, or twentie lire shillings of copyhold) shall make enquiry thereof.

Charters.

Charters of landes are writings, dates, euidences, and

instrumente one man to some estate betwixen as tenement names, pla the land, the manner of the parties liured and neke presen with other

Chafe is to swape, sell, as to chaffe to a cattle; sold for a red and beasts of is of a middle twene a fore being commu a forest & not so many liberties courts of attorney, and 3 per of a larger having great keepers & game. Crompt. p. 11. Jurisdic. f. 11. a forest may of a subject, but loseth the name meth a chase: 197. he saith, it may be kept a forest, the w

Instruments, made from one man to another, upon some estate conveyed or passed between them of lands or tenements shewing the names, place, & quantitie of the land, the estate, time, & manner of the doing thereof, the parties to the estate delivered and taken, the witnesses present at the same, with other circumstances.

& instruments, fait de vn home al autre, sur ascun estate conueyed ou passe perenter eux de terres ou tenements, monstrant les nosmes, lieu, & quantitie del terre, le estate, temps, & manner del feassans de ycel, les parties a le estate deliuer & prise, les tesmoignes present al cen, oue auters circonstances.

Chafe.

Chafe.

Chase is taken two wayes, first to drue cattel, as to chafe a distresse to a castle, secondly, it is used for a receit for Deere and beasts of the forest, & is of a middle nature betwene a forest and a park, being commonly lesse than a forest & not endued with so many liberties, as with courts of attachment, Swanmote, and Just. sent, and yet of a larger compass, and having greater diuersitie of beeyers & game than a park.

M. Crompt. in his booke of Jurisdic. f. 148. saith, That a forest may be in the hands of a subiect, but it presently loseth the name and becometh a chafe: And yet fol. 197. he saith, That a subiect may be Lord and owner of a forest, the which notwithstanding

Chase est prise deux voyes, primerment a driuer cattel, sicome a chafer vn distresse a vn Fortlet; seconderment, est vse pur vn receit pur Dames & auers del forest, & est dun mesme nature perenter vn Forest & vn park, ekeant communement meins q vn forest & n'ey endow oue tous liberties, come oue courts de attachment, swanmote, & Justiceat, & vnc' d'un plus large compass, & ayant plus diuersitie del gardians & game q vn park. **M.** Crompt. en son liu de Jurisdiction, f. 148. dit, q vn forest ne poit estre en les maines d'un subiect, mes il immediat perdet le nosme & deuient chafe: Et vnc' f. 197. il dit, que vn subiect poit estre sir & own d'un forest, le quel nient obstant

The Exposition of

stant que semble' contrarie
 vacore sont ambideux ses
 dits, en aucun sence voyer;
 car le Roy poit doner ou a-
 lienater vn Forest a vn sub-
 iect, vacore issint que quant
 il est vn fois en le subiect il
 perd le voyer propertie dun
 Forrest, pur ceo que les
 Courts de *Swainemote*, Ius-
 tice seat & Attachment,
 immediatment vanie; Nul
 esteant able de faire vn Seig-
 nior Chiefe Iustice in Eyre
 del Forest forsque le Roy,
 sicome Monsieur *Manwood*
 ad bien monstre en son liur
 de *Forest Leys* cap. 3. & 4.
 Et vacore poit estre grantus
 en tiel large manner que la
 poit estre Attachment &
Swainemote, & vn Court
 equivalent a vn Iustice seat,
 come appiert per luy en mes-
 me le cap. Num. 3. Issint que
 vn chaise differt de vn Forest
 en ceo, pur ceo que poit estre
 en les maines d'un subiect,
 que vn Forest en son proper
 & voier nature ne poit estre,
 & de vn Parke en ceo, que
 nest inclose, & ad non sole-
 ment vn plus large compas
 & plus flore de Game, mes
 de Gardians auxy & Super-
 pisors, *Vide Forest*.

standing that it seemeth
 contrarie, yet are both his
 sayings in some sense true;
 for the King may give or al-
 lienate a Forest to a subiect,
 yet so, that when it is once
 in the subiect, it loseth the
 true propertie of a Forest,
 because that the Courts of
Swainemote, Iustice seat &
 Attachment, presently va-
 nish, none being able to
 make a Royd chiefe Justice
 in Eyre of the Forest but the
 King, as *Master Man-
 wood* hath well shewed in
 his *Booke of Forest Laws*
 cap. 3. & 4. And yet it may
 be granted in such large
 manner, that there may be
 Attachment and *Swaine-
 mote*, and a Court equiva-
 lent to a Justice seat, as
 appeareth by him in the
 same Chapter Num. 3. So
 that a Chase differeth from
 a Forest in this, because
 that it may be in the hands
 of a subiect, which a Forest
 in his proper nature can-
 not be, and from a Park
 in this, that it is not inclo-
 sed, and hath not any
 larger compass and more
 store of Game, but of keep-
 ers also and outlaws;
 See Forest.

Cheuage

Ch
 Cheuage
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 cap. 10. thus
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Cheuage.

Cheuage is a summe of money payd by Villains to their Lords in acknowledgement of their slaverye, the which Bracton Lib. 1. cap. 10. thus defineth; *Che-uagium dicitur recognitio in signum subiectionis & dominij de capite suo.* It seemeth also to be used for a sum of money given by one man to another of power & might for his auowment, maintenance & protection, as to their head or leader: *Mass. Lambert* writeth it *Chiuage* or rather *Chieffage*.

Chenage.

Chenage est vn sum d'argent pay per Villens a leur Seigniors en conusans de leur villenage, le quel *Bracton lib. 1. cap. 10.* issint define en Latyn, *Chenagium dicitur recognitio in signum subiectionis & dominij de capite suo.* Semble auxy desirer vse pur vn summe d'argent done per vn home al auter de poyer & potencie pur son auowment, maintenance & protection, sicome a leur teste ou conductor: *Mass. Lambert* ceo escrie, *Chiuage* ou potius *Chieffage*.

Childwit.

Childwit, that is, that you may take a fine of your bondswoman, defiled, and begotten with child without your licence.

Childwit.

Childwit, hoc est, qd capiatis gersumfi & natia vestra, corrupta & pregnata sine licentia vestra.

Chimin.

Chimin is the high way where euery man goeth which is called *Via Regia*, and yet the King hath no other thing there but the passage for him and his people, for the freehold is in the Lord of the soile, and

Chimin.

Chimin est le haut voy lou chescun home passa que est appel *Via Regia*, & vncore le Roy nad autre chose la forsque le passage pur luy & son peuple, car le franktenement est en le Seignior del soile, & tous

The Exposition of

touts les profits creffants
la, come arbres, & auters
chofes.

of the profits growing
there, as trees, and other
things.

Et ceo est diuide en
deux sorts, *Via Regia*,
de que est parle deuant,
& *Via priuata*, eu *Chimi-
nus priuatus*, & ceo est vn
voy per que vn home ou
pluis ont libertie a passer,
ou per prescription, ou
per chanter, sur le terre d'un
auter home : Et ceo est di-
uide en chemin en grosse, &
chemin appendant, *Kitch. fo.*
177. *Chimin en grosse*, est
ceo voy que hōe tient prin-
cipalment & solement en luy
mesme : *Chimin appendant*
est ceo que home ad adioin
a ascun auter chose, come
appertinant a ceo : Pur ex-
ample, si hōm prist vn close
ou pasture, & ad couenant
pur ingresse & egress, al &
de mesme le dit close p ascū
auter terre, per que autermt
il ne poit passer : Ou Chi-
min en grosse poit estre
ceo, que les Ciuiilians ap-
pel personel, Come
quaunt vn couenant pur
vn voy sur le terre d'un
auter home pur luy mes-
me & ses heires : Chi-
min appendant econuer-
so, poit estre ceo que ils
appel real, sicome quaunt

And it is diuided into
two sorts, the Kings way,
of which is spoken before,
and a priuate Way, or pri-
uate Passage, and this is a
way by which one man or
more, haue libertie to passe
either by prescription, or by
writing, through the land
of another man: And this
is diuided into a way in
grosse, and a way appen-
dant, *Kit. fol. 177.* *Chimin*
in grosse is that way which
a man holdeth principally
and solely in himselfe: *Chimin*
appendant, is that which a
man hath adioyned to some
other thing, as appertain-
ing thereunto: For ex-
ample, if a man hireth a
Close or Pasture, and hath
a couenant for ingresse and
egresse, to and from the said
Close through the ground
of some other, through
which otherwise hee might
not passe: Or a way in
grosse may bee that which
the Ciuiilians call *Personel*;
as when one couenants
teth for a way through the
ground of another man, for
himselfe and his heires: A
way appendant on the other
side, may bee that which
they call *real*, as when a
man

man purchaseth
through the land
of other man,
small, or that
of that house
owners of
for cure.

Chiro

Chirograph
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ualty after that they
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are first exam-
ined and
indentures, on
as another fe-
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dented pece co-
is the effect of it
be deliuered, on
nos breuium, &
the use of the
Chirographer
deputie, procla-
mation in the
terms, accord-
tutes, and the
to the office of
breuium, there
proclamation
the of the feo-
dalties, accept
of Couenant,
one of the fine,

man purchaseth a way through the ground of another man, for such as doe dwell, or shall dwell, in this or that house, or that be the owners of such a manor for ever.

home purchase vn voy per le soile d'un autre home, pur tiels que inhabitont ou inhabiteront en ceo ou cest maison, ou que sont les owners de tiel manoir a tous iours.

Chirographer.

Chirographer.

Chirographer is he that in the comon Bench office, ingroseth fines acknowledged in that Court into perpetual Record, after that they are acknowledged and fully passed, by those officers by whom they are first examined, & that together and deliuereth the indentures, one for the buyer, & another for him that selleth, & maketh another indented perce containing all to the effect of the fine, which he deliuereth over to the Custos breuium, that is called the foot of the fine. The Chirographer also as his deputie, proclaimeth al the fines in the Court every terme, according to the Statutes, and then repaying to the office of the Custos breuium, there endorseth the proclamation vpon the backe of the foot thereof, and when yeas keepeth the writ of Covenant, as also the note of the fine,

Chirographer est celuy qui en le office del common banke, engrosse fines connus en cest Court en vn perpetual Record, puis que ils sont connus & pleinement passez per ceux. Officiers per queux ils sont primerment examinez, & que escrie & deliue les Indentures, vn pur le purchasor, & autre pur le vendor, & fait vn autre escrow endented, contenant auxy le effect del fine que il deliuer ouster al Custos breuium, que est appel le pee del fine. Le Chirographer auxy ou son deputie proclame tous les fines en le court chescun terme accordant al statute, & donques enalant al office del Custos breuium, la endorce les proclamations sur le dorse del pee de ceo, & tous foirs retaine le Briefe de covenant, come auxy le note del fine,

Chyual

The Exposition of

Chivalrie.

Chivalrie est vn tenure de terre per seruice de Chivalier ; per le meux intelligence de que est distre con q la nest ase'e're mes il est tenus mediatment ou immediatment del Corone per ascun seruice ou autre, & p ceo, tous nostre Franktenements que sont a nous & a nostre heires appel fees, come enfuants de le benefite le Roy pur petit annual rent, & le performance de tiels services que originalment fueront imposee sur le terre al donation de ceo : Car siccome le Roy done a ses Nobles ses immediate tenements graund possessions a tous iours a tener de luy p ce luy ou tiel rent & seruice, issint ils areront en temps diuide ouster, & tiels que pleist a eux, leur terres issint receue del bountie le Roy pur rents & services come a eux semble bien : Et ceux services sont tous per *Litellton* diuide en deux sorts, Chivalrie & Socage ; lun martial & militaire, l'auter rural & rustical. Chivalrie, Par ceo, est vn tenure per que le tenant est lye a performer ascun

Chivalrie.

Chivalrie is a tenure of land by Knighes seruice for the better understanding wherof it is to be knowne, that there is no land but it is held mediately or immediately of the Crowne by some seruice or other, and therefore all our freeholdes that are to vs and our heires called fees, as pascording from the benefite of the R. for some small yearly rent, & the performance of such services as originally were imposed upon the land at the giving thereof: for as the King gave to his nobles his immediate tenements great possessions for euer, to hold of him for such or such rent & service, so they againe in time parcelled out to such as pleased them, their landes received of the kings bountie, for rents and services as to them seemed good: And the seruices are all by *Litellton* diuided into . . . socage, Chivalrie and Socage; the martiall and military, the other civil and rustical. Chivalrie therefore is a tenure whereby the tenant is bound to performe some

noble

noble or
his lord.
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Abp seruic
to do in his
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banner of h
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when he se
inuate the l
armed man
the four se
himselfe
Kings (su
at his Coy
that day to
carner, bu
belaine.
Petit Ser
a man hol
King to p
ly a bofo
dagger, a
spears, or
of malle
lours of a
such othe

noble or militarie office to his Lord, and is of two kinds, eyther Regall, that is to say, such as may be held onely of the King, or such as may also be held of a common person as well as of the King. That which may hold onely of the King, is properly called *seruitium* or *sergeantia*, and is also againe diuided into Grand & Petit *Serieantie*: Grand *Serieanty* is that where a man holdeth lands of the King for service which he ought to do in his own person unto him, as to carrie the banner or his speare, or to lead his host, or to be his marshall, or to blow a borne when he seeth his enemies invade the land, or to find an armed man to fight with in the fourre seas, or to doe it himselfe, or to carrie the Kings sword before him at his Coronation, or at that day to bee his sewer, carner, butler, or chamberlaine.

Petit *Serieantie*, is where a man holdeth land of the King to pay unto him yearly a bow, or a sword, or a dagger, or a knife, or a speare, or a paire of gloves of maille, or a paire of spurs of gold, or to giue such other small things

noble ou militatie office a son Seignior, & est de deux sorts, ou Regal, cest assauoir, tiel que poit estre tenuz solement del Roy, ou tiel que poit auxy estre tenuz d'un common person cibien come del Roy. Ceo que poit tener solement del Roy, est properment appel *seruitium* ou *sergeantia*, & est auxy arere diuide en Grand & Petit *Serieanty*: Grand *Serieantie* est ceo ou hōe tient fies del Roy p seruice que il deuot faire en son person demesnie a luy; come a porē le banū le Roy, ou son lance, ou de armer son hoast, ou a vētier vn cornu quant il viet ses enemies inuade le terre, ou de trouer vn home array de pugner deins le quater meres, ou de faire ceo luy m, ou de porter le espee le Roy deuant luy a son Coronation, ou a cel iour destre son sewer, carner, butler, ou chamberlaine.

Petit *Serieantie* est ou vn home ticat terre del Roy de render a luy annual-
mēt vn arke, ou vn espee, ou vn dagger, ou vn cuttel, ou vn launce, ou vn paire de gants de ferre, ou vn paire de spoors d'ore, ou de rend auters tiels petit choses

I 2 touchant

The Exposition of

touchants le guerre.

Chivalrie que poit tener
 d'un common person cibien
 come del Roy, est appellee
 escuage, *servitium fontis*; & c'
 est ou vncertaine ou cer-
 taine. Escuage vncertain est
 auxy de deux sorts; primer-
 ment, ou letenant per son
 tenure est lie d'attender son
 Seignieur alant en person
 al guerres le Roy enuers
 ses enemies, ou luy mesme
 ou mitter vn sufficient
 home en son lieu la destre
 maintaine a ses costs tants
 des iours, come fueront
 agree perenter le Seignieur
 & son primer tenaunt al
 grantant del fee. Et les iours
 de tiel service, semble destre
 asseffe per le quantitie del
 terre issint tenus: come si
 ceo extend a vn entier fee
 de Chivaler, donque le te-
 nant fuit lie issint d'atten-
 der son Seignieur 40 iours,
 & vn fee de Chivaler fuit
 tant de terre come en ceux
 iours fuit account vn suffi-
 cient viuer pur vn Chivaler,
 & ceo fuit 680. acres, per
 l'opinion de ascuns, ou 800.
 come auters semblont, ou
 15. liuers per lan; *Camb-*
dens Brittan. fol. 110. Si
 le terre extende forsque al
 moitie dun fee de Chivaler,
 donque le tenaunt est lie

concerning the war.

Chivalrie that may hold
 of a common person as well
 as of the King, is called Es-
 cuage, service of the shield,
 and this is eyther vncer-
 taine or certaine. Escuage
 vncertaine is also of two
 kinds; first, where the te-
 nant by his tenure is bound
 to folloze his Lord going
 in persō to the Kings wars
 against his enemies, eyther
 himselfe, or send a suffici-
 ent man in his place, therē
 to be maintained at his
 costs so many dayes as
 were agreed upon betwix
 the lord & his first tenant at
 the granting of the fee. And
 the dayes of such service
 seeme to have been rated by
 the quantitie of the land so
 held: As if it extendeth to
 a whole knights fee, then
 the tenant was bound to
 attend his lord 40. dayes; &
 a knightes fee was so much
 land as in those dayes was
 accounted a sufficient vi-
 uing for a knight, and this
 was 680. acres, by the
 opinion of some, or eight
 hundred as others thinke,
 or fiftene pounds by the
 year: *Cambdens Brit-*
tan. fol. 110. If the
 land extendeth but to the
 moitie of a knights fee,
 then the tenant is bound

to folloze his
 lord, but
 fourth par,
 Fitz. N.B. fol.
 The other is
 vncertaine
 ward, where
 his land is
 himselfe or
 send a Cast
 shall come to

Escuage
 where the
 led to a cert
 money to be
 such vncertain
 that a man
 for a knight
 the halfe cen
 rate. And
 cause it is d
 taine rent, c
 a mixt natur
 Escuage, for
 of the Domes
 in effect, both
 personall ser
 taine. This
 Chivalrie h
 tions annex
 Escuage, 1
 ship, & the
 Bracton lib.
 what they
 their genera
 nrie is es
 speciall, D
 cito 47. &
 to her wh

to follow his Lord, as is a-
foresaid, but xx. dayes, if a
fourth part, then ten dayes,
Fitz. N.B. fol. 83. c. & 84. c. c.
The other kind of Escuage
uncertaine is called Castle-
ward, where the tenant by
his land is bound either by
himselfe or some other, to de-
fend a Castle as often as it
shall come to his turne.

Escuage certaine is
where the Tenant is as-
sessed to a certaine summe of
money to be payd in stead of
such uncertaine service, as
that a man shall pay yearly
for a knightes Fee xx. s. for
the halfe ten s. or any such
rate. And this service be-
cause it is due to a cer-
taine rent, commeth to be of
a mixt nature, not merely
Socage, for it implieth not
of the Plow, & yet Socage
in effect, having now neither
personall service nor uncer-
taine. This Tenure called
Chivalrie hath other condi-
tions annexed therunto, as
Homage, Fealty, Ward-
ship, Marriage and Mar-
riage, Bract. lib. 2. cap. 35. And
what they signifie, see in
their severall places. Chi-
valrie is either generall or
speciall, Dyer fol. 161. pla-
cito 47. Generall someth
in his where it is onely

datteuder son seignior, come
est auantdit, mes xx. iours, si
a vn quart pt, donq, x. iours,
Fitz. N.B. fol. 83. c. & 84. c. c.
Lauter kind D'escuage vn-
certain est appel Castle-gard,
ou le Tenant per son tre est
lie, ou per luy mesme, ou per
ascun autr, a defender vn ca-
stle si tost come auena a son
course.

Escuage certaine est ou le
Tenaunt est assesse a vn cer-
taine summe D'arge destre
pay en luy de tiel vncertaine
service, come que vn home
payera annuellement pur vn
fee de Chivaler, xx. s. pur
le moity 10. s. ou ascun tiel
rate. Et cest service, pur ceo
que est trahe a vn cetrain
Rent vient destre dun mixt
nature, nient mecrement
Socage, car ne olet passe del
carue, & vncore Socage en
effect, esteant iammes ne-
que personall service, neque
uncertaine. Cest Tenure ap-
pelle Chivalrie ad auters
Conditions annexe a ceo,
come Homage, Fealty,
Gardship, Reliefe, & Marri-
age, Bract. lib. 2. ca. 35. & que
ils signifie, veies en leur se-
uerall lieux. Chivalrie est
ou general ou special, Dyer
fol. 161. plac. 47. General sem-
ble destre ou est solement

The Exposition of

dit en le Feoffement que le Tenant tient per *Servitium militare*, sans aucun specification de Sergeantie, Escuage, &c. Special est ceo que ē declare particularmēt per quel kind de service de Chivalrie il tient.

sayd in the feoffement, that the Tenant holdeth by knights service, without any specification of sergeantie, escuage, &c. Special is that which is declared particularly what kind of knight service he holdeth by.

Chose en Action.

Chose en Action est quant vn home ad cause, ou poyt porter vn Action p' afe' dutie due a luy, come vn acc' de Dette sur vn Obligation, Annuite, ou rent, Action de Couenant, ou Gard, Trespas des biens import, Battery, ou tielx semblables, & pur ceo q' ils sont choses de qu' vn hōe n'est possesse, mes pur recoūie de eux est mis a son Action, ils sont appellez choses en action. Et ceuz choses en action que sont certaine, le Roy poyt graunta, & le Grauntce poyt vsē vn Action pur eux en son oſme demesne solement. Mes vn common person ne poēt granē son chose en action, ne Roy luy mesme ne poēt granter son chose en Action, quel est vncertaine, come Trespasse, & tielx semblables.

Things in Action.

Things in Action is when a man hath cause, or may bring an action for some duty due to him, as an Action of Debt upon an Obligation annuities, or rent, Action of Covenant or Ward, trespass of goods taken away, beating, or such like, & because that they are things whereof a man is not possessed; but for recovery of them is dūten to his Action, they are called things in Action. And those things in Action that are certain, the King may grant, and the grantee may use an Action for them in his owne name only. But a common person cannot grant his thing in Action, nor the King himselfe cannot grant his thing in Action, which is vncertaine, as Trespass, and such like.

Church-

Church

Churchwardens persons content of the parish to the customary place, to the Churchwardens as belong to the churchwardens for such pertains to or confere of call Court kind of Court are enabled for any thing their Church of the Parish his Woke Churchwarden

Church

Churchwarden whereof the end thereof consisteth a certain wheat corn past every day gave to well in the time of the English persons after the Roman

Churchwardens.

Gardians Desglise.

Churchwardens are Officers perely chosen by the consent of the Minister and the parishioners, according to the customs of every seuerall place, to see to the church, Churchyard, & such things as belong to both, & to mark the behauior of the parishioners for such faults as appertain to the iurisdiction or censure of the Ecclesiasticall Court. These are a kind of Corporation, and are enabled by Law to sue for any thing belonging to their Church or the Parke of the Parish. See Lambert his Booke of the dutie of Churchwardens.

Gardians desglise sont Officiers annualment elects per le consent del Minister & les paroehians, accordant al custome de chescun seuerall lieu, a vier al Esglise, Cēmiter, & tiels choses qu'appee al ambideux, & de obseruer le gesture des paroehians, pur tiels crimes que appertaine al iurisdiction ou censure del Court Ecclesiasticall. Ceux sont vn kind de Corporatiō, & sont enable per Ley, de suer pur ascun chose appartenant a lour Esglise, ou les Pouers del Paroche. Vies Lambert son Lieure del dutie des Gardians del Esglise.

Churchesset.

Churchesses.

Churcheset is a word whereof Flet. l. 1. c. 47 in the end thus writeth, It signifieth a certaine measure of wheat corne, which in times past every man on S. Martins day gaue to Holy-church, as wel in the time of the Britons as of the Engl. yet many great persons after the cōming of the Romans, gaue the Con-

Churcheset vn parol de que Flet. lib. 1. cap. 47. en le fine, issint escrie: *Certam mensuram bladi tritici significat, quam quilibet olim Sancte Ecclesie die Sancti Martini tempore tam Britonum quam Anglorum contribuerunt. Plures tamen Magnates, post Romanorum aduentum illam con-*
2 4 *tributionem*

The Exposition of

tributionem secundum veterem Legem Moyſi, nomine primitiarū dabant, prout in breue Regis Knauti ad summū Pontificem transmiſſo, continetur, in qua illam contributionem Chirchſed appellant, quaſi ſemen Eccleſie.

tribution, according to the ancient Law of Moſes, in the name of firſt Fruits, as in the writ of King Knaut is ſent vnto the Pope, is contained, in which they call that Contribution *chirchſed*, as one would ſay, Church-ſeed.

Cinque Ports.

Cinque Ports ſont certayne Hauens Villes, cinque en nombre, ceſtaſcauire, Haſting, Romney, Heth, Douer, & Sandwich, as queux ad eſte grant long temps paſſé mult liberties, (q̄ auts port villes nont) & ceo primment en le temps del Roy Edouard appel le Confessor, (que fuyt deuant le conquest) & fuer encreaſe apres, & ceo eſpeciallyment en les iours del troye Edouard, le prim, ſecond, & le tierce, (ap̄s le Conqueſt) cōe appiert in le liū d̄ Domestday, & auē vieux monumēts, queux en cē liū ſeront troppe long de recite.

Cinque Ports.

Cinque Ports bes certayne Hauens towneſ ſue in number, that is to ſay, Haſting, Romney, Hethe, Douer, & Sandwich, to which haue bin granted long time ſince, many liberties, (that other port towneſ haue not) and that firſt in the time of K. Edward called the Confeſſor, (who was before the Conqueſt) & hath bin increaſed ſince, & that chiefly in the days of the 3. Edwards the firſt, the ſecond, & third (ſince the Conqueſt) as appeareth in the booke of Domestday, and other old Monuments, which in this work ſhould be too long to recite.

Circuity de Action.

Circuitie de Action eſt quant vñ Action eſt droitement port pur vñ dūte,

Circuitie de Action.

Circuitie de Action, is when an action is rightly brought for a dūte but

but yet about the bush, as it
were, for that it might as
well haue bin otherwise an-
swered & determined, & the
suit saued, & because that the
same action was more than
needful, it is called *Circuity*
of action: As if a man graūt
a rent-charge of x. li. out of
his Manor of Dale, & after
the Graunter disseiseth the
Grantor of the same Manor
of Dale, and he bringeth an
Assise & recovereth the land
& xx. li. damages, the which
xx. li. being payd, the grantor
of the rent sueth his Action
for x. li. of his rent due du-
ring the time of the disseisin,
which if no disseisin had bin
he must haue had, this is cal-
led *circuity* of action, because
it might haue bin more spee-
dy answered, for wherof the
Grantor shall receiue xx. li.
damages, and pay x. li. rent,
he might haue receiued but
the x. li. onely for the damma-
ges, and the Graunter might
haue cut off and kept backe
the other x. li. in his hands, by
way of deteyner for his rent,
and so thereby might haue
saued his Action.

mes vncore *circum le Bush*,
come semble, pur ceo que ceo
poet cybien estre auement re-
spondue & determine, & le
suit saue, & p ceo que mesme
le Action suit pluis que be-
soigne, il est appel *circuity* de
Action. Come si vn home
graunt vn rent-charge d x. l.
hors de son Manor de Dale,
& apres le Grauntee disseisist
le Grantor de mesme le Ma-
nor de Dale, & il port vn As-
sise, & recoü le terre & xx. l.
damages, le quel xx. l. esteant
pay, le Grauntee del rent sue
son action p x. li. de son rent
due durant le temps de le dis-
seisin, le quel si nul disseisin
ad este, il doit auerewe, Cest
appel *Circuity* de Action, p
ceo que il poyt au este pluis
briefement respondue, car
lou le Grantor doyt receiue
xx. li. dammages, & pay x. li.
rent, il puit au receiue fors-
que le x. li. solement pur les
damages, & le Grauntee puyt
auer recoupe & retaine arere
le auter x. l. en ses maines per
voy de deteyner pur son rent,
& issint pericel poet au saue
son Action.

Circum-

The Exposition of

Circumstantibus.

Circumstantibus est vn parol de art, expreſſant le ſupplie & addition del nombre de Iurors, ſi aſcun impa- nel ne appearont pas, ou ſont challenge per aſcun party, per adding a eux cy plu- ſors autres de ceux que ſont preſent & circumſtantes, Vide 3 s.H.8. cap. 6. & 5. El. cap. 25.

Circumſtantibus.

Circumſtantib^s is a word of art, ſignifying the ſup- ply & making vp of the num- ber of Iurors, if any impa- nelled do not appear, or are challenged by either party, by adding to them as many others of them that are pre- ſent and ſtand by. See 3 s.Henr.8. cap.6. & 5. Elia. cap.25.

Citie.

Citie eſt tiel Ville Corpo- rate, que ad vn Eueſque & vn Eſgliſe Cathedrall; & de cco tiels parols ſont troue; Idem Locuſ, Vrbs, Ciuitas, & Oppidum appellatur; Ciuitas enim dicitur, quatenus cum iuſtitia & Ma- giſtratum ordine gubernatur; Oppidum, quatenus eſt ibi copia Incolarum: & Vrbs, quatenus Muris debito modo cingitur: Proprie autem di- citur Ciuitas, que habet E- piſcopum. Vncore Moun- ſieur Crompton, en ſon Iu- riſdiction, ou il mention routs les Cities, omit E- lye, nient o' ſtant que ad vn Eueſque, & vn

Citie.

City is ſuch a town corpo- rate as hath a Biſhop & a cathedral church, & hercof ſuch words are found; The ſame place is called Vrbs, Ci- uitas, & Oppidum; It is called Ciuitas, in regard that it is governed in iuſtice & order of Magiſtracie; Oppidum, for that there are thereingreat plenty of Inhabitants; and Vrbs, becauſe it is in due form begirt about with wals. But that place is commonly called Ciuitas, which hath a Biſhop. Yet M. Crompt. in his Iuriſdiction, where he reckoneth vp all the Cities, leaueſt out Elye, although it hath a Biſhoppe and a

Cath-
edrall in
withſta-
nding
ca.6. W.
Citie: a
(of ſuch
weſtmi-
nſterly
called
It appe-
of 35.H.
there was
miniſter.
That
the territ-
ories, and
ſon of the
cauſe that
ſees of
Biſhops.

Clack, a
and b
ca.21. Whe-
to clacke
the mark
maketh it
ſo to pay
the King:
to clip the
the part
heard ſom
head & nec
part of the

Cathedral Church, & put-
teth in Westminster, not-
withstanding that now it
hath no Bishop. And 35 El.
ca. 6. Westminster is called a
Cittie: and Añ 27. eiusd. ca. 5
(of Statutes not printed)
Westminster is alternativel-
ly called a City vñ Borough.
It appeareth by the Statute
of 35. H. 8. cap. 10. that then
there was a bishop of West-
minster. Cassanæus writeth,
That France hath within
the territories thereof 104 ci-
ties, and he giueth this rea-
son of that his saying, be-
cause that there are so many
Sees of Archbishops and
Bishops.

Eglise Cathedrall, & mitra-
eins Westminster, nient ob-
stant que iammes nad ascun
Euesque. Et 35. El. ca. 6. West-
minster est appel vn Citie ;
Et anno 27. eiusd. ca. 5. (de sta-
tutes nient imprimee) West-
minster est equalment appel
vn Citie ou Borough. Il ap-
piert p le Statute de 35. H. 8.
cap. 10. que donques la suit
vn Euesque de Westminster.
Cassanæus escrie, Que France
ad deins les Territories de
ceo, 104 Cities, & il rend cest
reason de ceo son dit, Pur
ceo que la sont cy plusieurs
Sees de Archieuesques & E-
uesques.

Clack.

Clacke.

Clack, as to clacke, force,
and bard wooll, 8. H. 6.
ca. 22. Whereof the first, viz.
to clacke wooll, is to cut off
the mark of the shep, which
maketh it to weigh lesse, and
so to pay the lesse custome to
the King: to force wooll, is
to clip the upper & most hay-
rie part of it: to bard or
beard wooll, is to cut the
head & necke from the other
part of the fleece.

Clacke, siccome a clacker,
forcer, & barder Lane,
8. H. 6. cap. 22. de que le pri-
mer, viz. de clacker Lane,
est de scinder le marke des
Barbits, q fait ceo destre de
meinder poys, & issint d pai-
er le meind custome al Roy :
de forcer Lane, est de clipper
le ouffier & plus crineous pt
de ceo: de bard ou bearder
Lane, est de scinder le teste &
colle del auē part del toyson.

claime.

The Exposition of

Claime.

Claimē est vn challenge per aucun home, de le proprietie ou ownership de vn chose que il nad en possession, mes est detaigne de luy tortiousment, & le party que issint fait son claimē, prendra per ceo vn grand aduantage: car en ascun cases il poyt per ceo auoyer vn discent de terres, & en ascun case il per ceo sanera son title, que autrement serroit perdue. Come si home soyt disseisie, & le disseisee faye continual elaimē, cest adire, sil claimer les terres dont il est disseisie, deins le an & iour deuaunt le mort le Disseisor, donque poet il enter, nient obstant le discent. Auxy si fine soit leuiē delēre a vn autre home, donque cestuy que ad droyt a ceo, doit faire son claimē deins cinque ans apres le Proclamation ad, fait, ou certifice, & ceo est per Lestature de 4 H. 7. cap. 24. Mes vn estranger que nul droyt ad ne poyt de son teste demesne enter, ou faire claimē en le noīne de cestuy que droyt ad de auoyer le Fine deins le cinque ans, sauns commandement precedent,

Claime.

Claimē is a challenge by any man, of the proprietie or ownership of a thing which he hath not in possession, but is with holden from him wrongfully, & the party that so maketh this claimē, shall haue thereby a great aduantage, for by it in some cases he may auoyd a discent of lands, & by it in other cases he may save his title, which otherwise should be lost. As if a man be disseised, and the disseisee maketh continual claimē, that is to say, if he claimē the lands wherof hee is disseised, within the yere & day before the death of the disseisor, the may hee enter notwithstanding the discent. Also if a fine bee leuied of another mans land, then he that hath right thereunto, ought to make his claimē within fine yeres after the proclamation had made, or certified, and this is by the stat. of 4. H. 7. cap. 24. But a stranger that hath no right, cannot of his owne head enter or make claim in the name of him that hath right to auoyd the fine within the fine yeres, without commandement precedent,

ou assen
core gar
en Soc
faire cha
enfant q
ou faire
dela les
ascun co
assent,
enter euz

Clergie
voyer
tout le n
Religion
vn plee
ou Appe
desire vn
d'eglise,
Parliame
home est
ou tiels f
vn tempo
le prison
cest adire,
quel en a
autant
desse dis
Iudge, &
dinarie d
de m off
Iudge c
marie de
vn Clerk
lieu com
mera. Et
tific le I

ou assent subsequence: vn-
core gardien pur nurture ou
en Socage, poit enter ou
faire claime en le nosme del
enfant que ad droit de enter
ou faire claime, & ceo ay-
dera lestare del enfant, sans
ascun commandement, ou
assent, car la est priuie
enter eux.

or assent subsequence: per
gardian for education, or
in Socage, may enter or
make claime in the name of
the infant that hath right to
enter or make claime, & this
shall helpe the estate of the
infant, without commande-
ment, or assent, for there is
priuie betwene them.

Clergie.

Clergie.

Clergie est prise diuers
voyes, ascun foits pur
tout le nombre de homes de
Religion, ascun foits pur
vn plee a vn indictment,
ou Appeale; & est define
destre vn auncient Libertie
d'eglise, confirme en diuers
Parliaments. Et est qut vn
home est awaigne de felony,
ou tiels semblables, deuant
vn temporal Iudge &c. &
le prisoner pria son Clergie,
cest adire, pur auer son lieur
quel en auncient temps fuit
autant sicome il vst prie
deste dismisie del Temporal
Iudge, & dee deliuer al Or-
dinarie de purger luy mesme
de m offence: Et donqs le
Iudge comandera le Ordi-
narie de trier sil poit lier cor
vn Clerke en tiel lieur &
lieu come le Iudge assig-
nera. Et si le Ordinarie cer-
tifie le Iudge que il poit,

Clergie is taken diuers
waies, sometimes for the
whole number of Religious
men; sometimes for a plea
to an Indictment, or Ap-
peale: & is defined to be an
antient liberty of the church,
confirmed in diuers parlia-
ments. And it is when a
man is arraigned of felo-
nie, or such like, before a tem-
porall Iudge, &c. & the pri-
soner prayeth his Clergie,
that is to say, to haue his
books, which in antient time
was as much as if hee des-
ired to be dismissed from the
temporall Iudge, and to be de-
liuered to the Ordinarie to
purge himselfe of the same
offence: and then the Iudge
shall command the Ordinarie
to trye if hee can reade as a
Clerke in such a book & place
as the Iudge shall appoint.
And if the Ordinarie cer-
tifie the Iudge that hee can,
then

The Exposition of

donques le prisonner n'aueta iudgement de perdre son vie; Mes cest libertie de Clergie est restraine per les Statutes de 8. *Eliz. cap. 4. anno 14. eiusdem cap. 5. cap. 5. anno 18. eiusdem cap. 4. 6. 7. & 23. eiusdem cap. 2. & 29. eiusdem cap. 2. & 31. eiusdem cap. 12. & 39. eiusdem cap. 9. & 15. Vies Cromptons Iustice de Peace fol. 102. &c. Et Stamford lib. 2. cap. 41. Et Statute de 18. *Eliz. cap. 7.* per que Clerkes ne sont destre deliuer a lour Ordinaries destre purge, mes iammes chescun home, coment niēt deins orders, est mis a lier al barre esteant troue culpable & conuict de tiel felonie si que cest benefit est vncore grant & issint arse en le maine, & enlarge pur le premier temps, si le Commissarie ou deputie del Ordinary dit, *Legit ut Clericus*, ou auverment il souffre mort pur son peche.*

Clerke.

Clerke ad deux significations; un come est leti-
le de celuy que appartient al sancte ministrie del
Eglise, cest a scavoir, en ceux
iours, ou minister ou dea-
con de quecunque auter de-
gre ou dignite nient, ob-

then the prisoner shall not
haue iudgement to lose
his life; but this libertie of
the Clergie is restrained by
the Stat. of 8. *Eliz. ca. 4. an.*
14. *eiusd. c. 4. 6. 7. & 23. eiusd.*
cap. 2. & 29. *eiusd. cap. 2. &*
31. *eiusd. ca. 12. & 39. eiusd.*
cap. 9. & 15. *See Cromptons*
Iustice of Peace fol. 102. &c. And
Stamford lib. 2. cap. 41. And the
Statute of 18. Eliz. cap. 7. by which
Clerkes are not to be deli-
uered to their Ordinaries
to be purged, but notwithstanding
man though not within
orders, is put to read at the
barre being found guilty,
and convicted of such felony
for which this benefit is
still granted, and is burned
in the hand, and set freeth
the first time, if the Ordinaries
Commissarie, or Deputie
sayth, Hee readeth as a
Clerke, or otherwisse he
suffereth death for his trans-
gression.

Clerke.

Clerke hath two signifi-
cations; one as it is the
title of him that belongeth
to the holy Ministrie of the
Church, that is to say, either
Deacon of what other de-
gre or dignitie soeuer, al-
though

though
not
Diacon
only, but
ordained
within
they are
the Ca-
pover
fication
religion
led regu-
H. 4. cap.
The
of this
is by
course
in any
as name
the Roll
ment, Cl-
terrie, an

Clerke.

Clerke
which
gie after
upon him
hath him
such a C-
makes his

Clerke.

Clerke
which
gie before
upon him
and hath

though that in antient time
not onely Sacerdotes and
Diaconi, but also Subdia-
coni, cantores, acolisti, Ex-
orcista, and Ostiarij, were
with in this account, as
they are at this day where
the Cannon Law hath full
power: And in this signi-
fication a Clerke is either
religious (otherwise cal-
led regular) or secular, 4.
H.4. cap. 12.

The other signification
of this word, noteth such
as by their function or
course of life, be their pen
in any Court or otherwise,
as namely [the Clerke of
the Rolles of the Parlia-
ment, Clerks of the Chan-
cerie, and such like.

stant que en pristine temps
non seulement Sacerdotes, &
Diaconi, mes auxy Subdia-
coni, Cantores, Acolisti, Exor-
ciste, & Ostiary, fueront
deins cest account, sicome
ils sont a cest iour ou le ley
Cannon ad pleine poiar: Et
en cest signification un
Clerke est ou religious (au-
terment appel regular) ou
secular, 4. H. 4. cap. 12.

L'autre signification de
cest parol, denote tiels que
par leur fonction ou
course de vie, v'sont leur
plume en ascun Court ou
auterment, come nosmet
le Clerke des rotules del par-
liamt, clerks del Chancerie,
& tiels semblables.

Clerke attaint.

Clerke attaint.

Clerke attaint is hee,
which prayeth his cler-
gie after iudgement giuen
vpon him of the felonie, and
hath his Clergie allowed,
such a Clerke might not
make his purgation.

Clerke attaint est celuy,
que pria son Clergie ap-
s iudgement sur luy done de
Felonie, & ad son Clergie
allow, tiel Clerke ne peut
faire son purgation.

Clerke conuict.

Clerke conuict.

Clerke conuict is he,
which prayeth his cler-
gie before iudgement giuen
vpon him of the felonie,
and hath his Clergie to

Clerke conuict est celuy,
que pria son Cler-
gie deuant iudgement
done sur luy de le Felo-
nie, & ad le Clergie a
luy

The Exposition of

luy grant, tiel Clerke puit faire son purgation. Nota que cel purgation fuit fait, quant il fuit dismisſeal Ordinarie, la deſtre trie del enqueſt del Clerkes: Et ꝑ ceo ore per le ſtat. 18. *Eliz. cap. 7.* nul tiel eſt miſſeal Ordinarie.

him granted ſuch a Clerke might haue his purgation. Note that this purgation was made, when he was diſmiſſed to the Ordinarie there to bee tryed of the enqueſt of Clerkes: And therfore note by the ſtat. of 18. *Eliz. cap. 7.* no ſuch is put to the Ordinarie.

Coadiutor.

Coadiutor al diſſeiſin eſt celuy, que oue auter diſſeiſe vn de ſon Franktenement, al uſe del auter, & il ſerra punie come vn diſſeiſor que gaine le Franktenement, mes le Franktenement veſt & eſt tout en celuy, a que uſe le diſſeiſin fuiſt commit, come appiert en *Littleton lib. 3. cap. 3. de Iointenants,*

Coadiutor.

Coadiutor to the diſſeiſin is he, which with another diſſeiſeth one of his freehold, to the uſe of the other: and he ſhall be puniſhed as a diſſeiſor, but he is not ſuch a diſſeiſor which gaineth the freehold, but the freehold veſteth and is all in him to whole uſe the diſſeiſin was committed, as it appeareth in *Littleton lib. 3. cap. 3. of Iointenants,*

Coigne.

Coigne eſt vn parol collectiue, que containe en ceo tous manners del ſeueral ſtamps & portraictures de numme. Et ceo eſt vn des royals Prerogatiues apendant a cheſcun Prince, que il ſolement en ſes terres demefne poit order & diſpoſe le qualite, quantity, & faſhious de ſon coigne.

Coigne.

Coigne is a word collective, which containeth in it all manner of the ſeueral ſtamps and portraictures of money. And this is one of the royall Prerogatiues belonging to every Prince, that he alone in his owne dominions may order and diſpoſe the qualite and faſhions of his coigne.

And alſo the ſum and com of one R in the R. King, co great loſe

It a ſelle ro pounds of Eng at the d of the m Spaniſh coyne, t is well p the one an Proclaim rant and l England by his at time, any Coine la England by his P caſe where tint to his dition of the Reſer to the Reſer coineth it his purſe, upon reu time, hee the mone decreed ſ power, on reſuſe way the m for the

And although that this is the sinne of all traffique and commerce, yet the coyns of one King is not currant in the Realmes of another King, commonly, vniuerselle at great losse.

If a man bindeth himselfe to pay an hundred pounds of lawfull money of England to another, & at the day of payment some of the money chance to be Spanishe coyne or French coyne, there the obligation is well performeth, for both the one and the other are by Proclamation made currant and lawfull money of England: And the King by his absolute Prerogative may make any foreine Coine lawfull money of England at his pleasure by his Proclamation: In case where a man is to pay rent to his Lessee upon condition of re-entrie, and the Lessee payeth the rent to the Lessee, and hee recoverteth it and putteth it in his purse, and afterwards upon reuiew at the same time, hee findeth amongst the money that hee hath receiued some counterfeit peeces, and hee hereupon refuseth to take away the money but reenters for the condition broken,

Et comment que ceo est le nerue de tout merchandise & commerce, vacore le coigne d'un Roy nest currant en les roialmes d'un autre Roy, communement sinon a grand perde.

Si home oblige luy mesme de render cent lieurs de loyal Coigne Dengleterre, a vn autre, & al iour de payment ascun d'argent happa destre Coigne Despaigne ou de Francoois, ore l'obligation est bien performe, car & l'un & l'autre per proclamation sont faits currant & loyal money Dengleterre: Et le Roy per son absolue Prerogative poit faire ascun foreigne Coigne, loyal Coygne Dengleterre a son pleasure per son Proclamation: En case ou home est de pay rent a son lessor sur condition de re-entrie, & le lessor paye le rent a son lessor, & il ceo receiue & mitta ceo en son bursle, & puis in reuiewant de ceo a mesme le temps, il trouua entre les deniers que il ad receiue ascun counterfeit peeces, & sur ceo il refuse demporter les deniers mes re-entier sur la condition enseint,

The Exposition of

ore son entree nest loyal,
car quauant il an except les
deniers, ceo suit a son pe-
ril, & puis cest allowance,
il ne prendra exception al
ascunde eux.

there his entree is not
lawfull, for when hee hath
accepted the money, this
was at his perill, and after
this allowance hee shall
not take exception to any
of it.

Collaterall.

Collaterall est ceo, que
vient eins ou adhere al
latte dun chose, cōe Colla-
teral assurance, est ceo que
est fait ouster & preter le fait
mesme: Pur example, si hōe
couenāt oue vn auter, & luy
oblige p le performance de
son couenant, l'obligation ē
appel Collateral assurance
pur ceo que est external &
sans le nature & essence
del couenant. Et *Crompton*
fol. 185. dit, que destre sub-
iect al depasturing des
Damesle Roy, est collateral
al soyle deins le Forrest. En
mesme le maner poymus
nous le diser, que libertie a
pitcher sheads ou stales pur
vn faire en le soile d'un au-
ter home, est collateral al ff.
Le priuat bois d'un commō
person deins le Forrest ne
poit estre succide sans le li-
cēce del Roy, car il ē vn pro-
gatiue Collateral al soile.
Man. Part. 1. pag. 66. Col-
lateral Garranty, *Vide iii.*
Garranty.

Collaterall.

Collaterall is that which
cometh in or adhereth
to the side of any thing, as
Collateral assurance is
that which is made ouer &
beside the Deed it selfe: for
example, if a man couen-
teth with another, and en-
treth bond for the perfor-
mance of his couenant, the
bond is said collateral assu-
rance, because that it is ex-
ternal and without the na-
ture and essence of the co-
uenant. And *Crompton fo.*
185. sayth, That to be sub-
iect to feeding of the Kings
Deere is Collateral to the
soile within the forest. In
the like manner we may say
that the libertie to pitch
sheads or standings for a
faire in the soile of another
man, is collateral to the lē.
The priuat woods of a co-
mon person cannot be cut
down without the lē, for
it is a prerogatiue colla-
teral to the soile, *Man. Part.*
1. pag. 66. Collateral Wan-
rantie, See title Warrantie.
Collation.

Collatio
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rage, and
situation
situation
performed
at the moti
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in 25. E. 3. It
is a writ in
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King, who
betweene the
bishops cle
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the Kings C
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the king wa
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remains the

Collation.

Collation.

Collation is properly the bestowing of a benefice by the Bishop, that hath it in his owne gift or patronage, and differeth from institution in this, for that institution is a benefice is performed by the Bishop at the motion and presentation of another, who is patron of the same Church: as hath the patrons right for that time; yet Collation is bled for presentation in 25. E. 3. stat. 6. And there is a writ in the Regist. 31. 6. called de Collatione facta vni post mortē alterius, &c. directed by the Justices of the Cōmō Pleas, commanding the to direct their writ to the bishop for the admitting of a Clerk in the place of another presented by the King, who during the suit between the King and the bishops clerke deceased, for judgement once passed for the Kings Clerke, and herebyng before he be admitted the King may give his presentation to another.

Collation est properment le donacion d'un benefice per Leuesque, que ceo ad en son done ou patronage de mesme, & differt de institution en ceo, pur ceo que institution en vn benefice est performe per Leuesque al motion & presentation d'un auter, que est patron de mesme Esglise, ou ad le droit del patron pro hac vice; vncore Collation est vse pur presentation en 25. Edw. 3. statute 6. Et la est vn Brieft en le Register 31. b. appel De collatione facta vni post mortem alterius, &c. direct al iustices del cōmō Banke eux commandant a directer leur bfe al euesq; p admittance d'un Clerke en le lieu d'un auē present p le Roy, q̄ durant le suit parenter le Roy & le Clerke del euesque morust, car iudgme vn fois passe p le Clerke le Roy, & il morat deuāt q̄ il soit admît le Roy peit don sō presentation al vn auter.

Colour.

Colour.

Colour is a fained matter, which the defendāt ou tenant bledt in his bar,

Colour est vn fained matter, le quel le defendant ou tenant yle en son barre, quant

The Exposition of

quant vn action de trespas ou vn Assise est port enuers luy, en lequel il done le demaundaunt ou plaintife vn shewe prima facie, que il ad bone cause de action, lou en veritie il nest iust cause, mes tantselement vn colour & visour d'un cause: Et il est vse al entent que le determination del action doit esse per les Iudges, & nemy per vn ignorant Iurie de douze homes: Et pur ceo vn colour doit esse vn matter en ley, ou difficulte al lay gents: come pur exemple, A. port vn Assise de terre enuers B. & B. dit que il mesme lessa mesme le terre al vn C. pur terme de vie, & apres graunt le reuersion al A. le demaundant & puis C. le trenaunt pur terme de vie mortust, apres que deceas A. le demandant clai- mant le reuersion per force del graunt (ou C. le te- mant pur vie, ne vnques at- turne) entra, sur que B. entra, enuers que A. pur mesme entre, port cest Assise, &c. Cest vn bone colour, pur ceo que les lay gents pensant que le terre voyle passe per le graunt sans At- turnement, lou en fait il ne voyle passe, &c.

When an action of trespas or an Assise is brought against him, in which he sheweth the demandant or plaintife a shewe at the first sight, that hee hath good cause of action, where in troth it is no iust cause, but onely a colour & face of a cause: & it is used to the intent, that the determination of the action should be by the Iudges, & not by an ignorant Iurie of 12. men: And therefore a colour ought to bee a matter in law, or doubtful to the common people: as for example, A. bringeth an assise of land against B. & B. sayeth that hee himselfe did let the same land to one C. for terme of life, & afterward did grant the reuersion to A. the demandant, & after C. the tenant for terme of life dyed, after whose decease, A. the demandant claiuing the reuersion by force of the grant (whereunto C. the tenant for life, did neither attune) entred, upon whom B. entred, against whom A. for that entrie, bringeth this Assise, &c. This is a good colour, because the common people thinke that the land will passe by the grant without Atturment, where indeed it will not passe, &c.

Also is
past color
of them
ber, one
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the Def.
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lib. 2. cap. 13

Colour

Colour of
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of the right
the office is
faithfuld, an
ground by

Also in an Action of trespass colour must be given, & of them are an infinite number, one for example: In an action of trespass for taking away the plaintifes beasts, the Def. saith, that before the Plaintiff had any thing in them, he himself was possessed of them as of his proper goods, & deliuered them to A. B. to deliuer them to him again when, &c. and A. B. gaue them vnto the Pl. and the Pl. supposing the property to be in A. B. at the time of the gift tooke them, & the Def. tooke them from the Plaintiff, whereupon the Pl. bringeth an Action, that is a good colour and a good Plea. See more hereof in the Dialogues betwene the Doct. and Stud. lib. 1. cap. 13.

Auxy en vn Action de Trespasse, colour doyt este donec, & de eux sont vn esfinite number, vn pur example: En vn Action de Trespasse pur prise de auers del Plaintiffe, le Defendant dit, Que deuaunt le Plaintiffiens auoit en eux, il mesme fuyt possesse de eux come de ses propres biens, & eux deliuer al A. B. pur eux rebailer a luy quando, &c. & A. B. eux donna al plaintiffe, & le Plaintiffe supposont le property estre en A. B. al temps del don prist eux, & le Defendaunt eux reprist del Plaintiffe, sur que le Plaintiffe port l'Action, cest vn bone colour, & vn bone Plea. Veies de ceo pluis en les Dialogues en le Doctor & Student li. 1. cap. 13.

Colour of Office.

Colour de Office.

Colour of Office is alwayes taken in the worst part, and signifies an act enill done by the countenance of an office, and it beareth a dissembling face of the right office, whereas the office is but a baile to the falsehood, and the thing is grounded vpon vice, & the

Colour de Office est tousdits prist en malam partem, & signifie vn acte mallement fait per le countenance de vn Office, & il port vn dissimulant visage del droyt Office, lou le Office nest que vayle del fauxitie, & le chose est ground sur vice & le

The Exposition of

office est come vn shadow al
eco. Mes rations officij, &
virtute officij sont prises
touts foits in bonam par-
tem, & lou le office est l'ust
cause del chose, & le chose est
pursuant al office.

Office is as a shadow to it.
But by reason of the office,
& by vertue of the office, are
take alwaies in the best part,
and whers the office is the
iust cause of the thyng, & the
thyng is pursuing the office.

Collusion.

Collusion est lou vn Action
est port vers vn auē per
sont agreement demesne, si
le Plaintife recouer, tiel re-
couerie est dit per collusion,
& en ascun cases le Collusi-
on sera enquire, come en vn
Quare impedit, & *Affise*, &
tiels semblables, queux ascū
Corporation ou Corps poli-
tique port enuers auter al
entent de auer le terre ou ad-
uowson, dont le Briefe est
port en Mortmaine. Mes en
Auowrie, ne ē ascun Action
personall, le Collusion ne
sera enquire. Veies lestatuē
de *Westm. 2. cap. 32.* que done
le *Qualeius* & enquire en
tiel case.

Collusion.

Collusion is where an Ac-
tion is brought against
another by his owne agree-
ment, if the Plaintife reco-
uer, then such recouerie is
called by Collusion, and in
some cases the Collusion
shall bee enquired of, as in
Quare impedit, & *Affise*, and
such like, which any corpo-
ration or body politick bring-
geth against another, to the
intent to haue the Land or
aduowson, wherof the writ
is brought into Mortmain.
But in Auowrie, nor in any
Action personall the Collu-
sion shal not be inquired So
the Stat. of West. 2. ca. 32.
which giueth the *Qualeius*,
and enquire in such cases.

Commandrie.

Commandrie, fuyt le
nomme dun Mannour ou
chiefe Messuage, oue que
Terre ou Tenements suc-

Commandrie.

Commandrie was the
name of a Mannor or
chiefe Messuage, with
which lands or tenements
were

were oc-
the late
Johns o
England
given to
sue made
his rai-
had the
such Ma-
called the
had north
of it but
erie, and
sustenance
his degra-
ally a W-
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might in
Inadell
called R-
Rhodes,
Malta, of
their grant
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were occupied belonging to the late Bishop of Saint Johns of Hierusalem, in England, untill they were given to King H. 8. by statute made in the 32 yeare of his raigne: And hee which had the government of any such Mannor or house, was called the Comander, which had nothing to do to dispose of it but to the vse of the priore, and to haue onely his sustentance of it according to his degree, which was usually a Brother of the same House, which had bin made knight in the wars against Infidels, and were lately called Knights of the Rhodes, or Knights of Malta, of the places where their grand Master of the sayd Order did dwell. And the said Stat. & the old statute intituled, de replarijs, whose decay was a great increase of this Order, and many of these Commandries are called in the Countrey by the name of Temples.

ront occupiez perteynant al Priorie de Saint Iohans de Ierusalem en Angleterre, tanque fueront done al Roy Henrie le huit, per Statute fait en lan 32. de son raign: Et cesty que auoyt le gouernement de ascun tiel Mannour ou Messuage, fuyt appelle le Commaunder, que n'auoit rien a faire ou disposer de ceo forsque al vse del Priorie, & dauer solement son sustentance de ceo, selonque son degree que fuyt vsualmente vn frere de mesme le Priorie, que eust estz fait Chiualier en les Guerres encounter Infidels, & fueront iades appel Knights de le Rhodes, ou Knights de Malta, del lieux ou leur grand Master del dit Order enhabite. Veies le dit Statute, & le statute intituled, De Templarijs, le decay desqueux fuit grand encrease de cel Order, & plusors de ceux Commandries sont en le pays nommez Le Temple.

Commandement.

Commandement.

Commandement is taken by diuers significations, sometimes for the commandment of the Lord, when by

Commandement est prise per diuerse significations, ascun foiz par le Commandement le Roy, quant p

The Exposition of

his mere motion, & frō his
stone mouth he casteth any
man into prison, *Stam. Plac.*
Cor. fo. 72. of the justices :
of this commandment of the
justices is either absolute or
ordinaire : absolute, as whē
upon their stone authoritie,
or their wisdom & discre-
tion they commit any man to
prison for a punishment : or-
dinary is when they commit
one rather to be safely kept,
than for punishment, and a
man committed by such or-
dinarie commandment is
bayleable, *Placit. Cor. fo. 73.*
Commandment is againe
bled for the offence of him
that willith another man to
transgress the Law, or to
do any such thing as is con-
trarie to the Law, as Mur-
ther, Theft, or such like,
Bract. lib. 3. Tract. 2. cap. 19.
The Christians call this
Commandement, Angelus
de maleficijs.

son mere motion, & de son
bouche demesne il iette aucun
home en prison, *Stam. Pl. Cor.*
fo. 72. ou des Iustices : Et ceo
commandement des Iustices
est ou absolute ou ordinarie :
Absolute, sicome quant sur
leur authoritie demesne en
leur sapience & prudēce ils
committent aucun home a
prison pur vn punishment :
Ordinarie est quant ils com-
mittent vn plus destre safe-
ment gard, que pur punish-
ment, & home commit per
tiel ordinary commandemēt
est mainpernable, *Pl. Cor. fo. 73.*
Commandement est vse atē
pur lossence de celui q̄ com-
mand auter home de trans-
gresser le Ley, ou de faire a-
cun tiel chose que ē encon-
tre le Ley, come Murder, Larce-
nie, ou tiels semblables, *Br.*
li. 3. tra. 2. c. 19. Les Civilis
appel cest commandmēt, An-
gelus de maleficijs.

Commendam.

Commendam is a Bene-
fice that being voyde is
commended to the care of
some sufficient Clerke, to be
supplied until it may be con-
veniently provided of a pa-
rson : But the true original
of these Commendams was

Commendam.

Commendam est vn Bene-
fice que estant void, est
commend al care d'aucun
sufficient Clerke destre sup-
plie ielsque il poyt estre con-
ueniēt provide d'un Pa-
rson : Et le voyer original
de ceux Commendams fuyt
ou

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que Le
ad les fi
solemen
& le na
alter per
vn choi
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ou pur cause d'euident vtilite ou necessite, & cestuy a que l'eglise est commend, ad les fruits & profits de ceo solement p vn certain temps, & le nature del Eglise nest alter per ceo, mes est sicome vn chose deposite en les maines de cestuy a que il est commend, & il nad forsque le custody de ceo, q poyt estre reuoke.

either enidēt profit or necessitie, & he to whō the church is cōmended, hath the fruits & profits thereof onely for a certain time, & the nature of the Church is not changed thereby, but is as a thing deposited in the hands of him to whome it is commended, and he hath nothing but the custody thereof, which may be reuoked.

Commissarie.

Commissarie.

Commissarie est vn nomme de Ecclesiasticall iurisdiction apperteynant a cestuy que exerce iurisdiction E-spiritual en lieux del Diocesse de cy graund distance del principal Citie, que le Chancelour ne poyt appeler les Subiects al chiefe Consistorie del Euesq, sauns lour graund molestation: Cest Commissarie est appell per les Canonists, *Commissarius*, ou *Officialis Foraneus*, & est ordeigne a cel special fine que il executera le office & iurisdiction del Euesque en les Boundaries del Diocesse, ou en tiels paroches que sont peculiers al Euesque, & exempts del iurisdiction del Archdeacon;

Commissarie is a Title of Ecclesiasticall Jurisdiction appertaining to him that exerciseth spirituall iurisdiction in places of the diocesse so farre distant from the chiefe Citie, that the Chancelor cannot call the Subiects to the Bishoppes principall Consistory without their great trouble: this Commissary is called by the Canonists, *Commissarius*, or *Officialis Foraneus*, and is ordained to this speciall end, that he should supplie the Office and Jurisdiction of the Bishop, in the out-Places of the Diocesse, or in such Parishes as are Peculiars to the Bishop, and exempted from the Archdeacons iurisdiction;

The Exposition of

Car ou per prescription, ou per composition, la sount Archdeacons que ont iurisdiction en leur Archiedeaconries, sicome en plusieurs lieux ils ont, la cest Commissarie est superfluous, & puis al detriment que al bñ des Gents.

For where by prescription or by composition, there are Archdeacons who haue jurisdiction in their Archdeaconries, as in most places they haue, there this Commissarie is superfluous, and rather to the hurt than good of the People.

Commission.

Commission est tant en le Common Ley, come le parol *Delegate* est ou les Ciuilians, & est prise pur le Garrant ou Letters Patents que tous homes ayant Iurisdiction ou ordinarie ou extraordinarie, ont pur leur poyer de oyer ou terminer ascun cause ou action. Vncore cest parol ascun foys extend plus largement que al choses de Iudicature, sicome le Commission de Purueyours ou Prisors, 11. H. 4. cap. 28; Mes oue cest Epitheton *Alt*, il est pluis communement vsé pur le treshonoreux Commission Court, institute & foundue sur le statute de 1. Eliz. ca. 1. pur lordinance & reformation de tous offences en ascun chose appartenant al Iurisdiction Ecclesiasticall, mes especialment tiels que sont de pluis ale nature, ou

Commission.

Commission is as much in the Common Law, as the word *Delegate* is with the Ciuilians, and is taken for the Warrant of Letters Patents which all men using Jurisdiction, whether ordinarie or extraordinarie, haue for their power to heare or determine any matter or Action. Yet this word sometimes extendeth more largely, than to matters of Judgement, as the Commission of Purueyours or Takers, 11. Henric. 4. cap. 28. But with this Epithete *High*, it is most commonly vsed for the honorable Commission Court, instituted and founded vpon the Statute of 1. Eliz. cap. 1. for the ordering and reformation of all offences in any thing appertaining to the Jurisdiction Ecclesiasticall, but especially such as are of highest nature, or

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Commission, of the word which is called by the Chancery Chamber his alledge himself to certain, this Commission by way of a name per that they one of the or shall be bened the bell and Kings place from him with and bying

at least require greater punishment than the ordinarie iurisdiction can afford: for the world being growne to such loosenesse as not to esteeme of the sentence of Excommunication, necessity requirith those Censures, as fines to the Princes, & Imprisonment, the which do affect every man more necerly.

al meins require plus grand punishment que ordinarie iurisdiction poyt affoorder: car le monde esteant deuenus al tiel remissenesse, sicome ne dessteerner pas, le sentence de Excommunication, necessitie impel ceux censures de Fines al Prince, & Imprisonnement, les q̄ls plus pecheine affectont chescun home.

Commission of Rebellion.

Commission de Rebellion.

Commission of Rebellion, otherwise called, A writ of Rebellion, and it is used when a man after proclamation made by the Sheriff, upon an Order of the Chancery or Court of Star-Chamber, under penaltie of his allegiance to present himself to the court by a day certayne, appeareth not. And this Commission is directed by way of command, to certain persons, to the end that they, or thre, two, or one of them, shall apprehend, or shall cause to bee apprehended the partie, as a Rebel and Contemner of the Kings Lawes, in what place soever they shall finde him within the Kingdome, and bying him, or cause him

Commission de Rebellion, autrement appel vn briefe de Rebellion, & ceo est vse quant vn home apres proclamation fayt per le Viscount, sur vn Order del Chancerie, ou Court de Star-Chamber, sous penalty de son allegiance a p̄sent luy m̄ al Court per vn iour certayne, ne appiert pas. Et cest Commission est direct per voy d̄ command, al certayne persons, au fine que ils, ou troys, deux, ou vn de eux, apprehendont ou causont destre apprehend le partie, come vn Rebell & Contemner des Leyes le Roy, en quelcun que lieu que ils luy trouveront deins le Royalne, & de p̄sent luy, ou luy cause destre

The Exposition of

destre present al court sur vn iour en ceo assigne.

to beo brought to the Court vpon a day therein assigned.

Committee.

Committee est cestuy a que le consideration ou ordinance dascun chose est refer, ou per ascun Court, ou consent des parties a que il appartient : sicome en Parlemt vn Bill esteant lye, est ou admit & pas, ou denie, ou refer al consideration dascun certeyne homes appoynt per le Meason, les queux sur ceo sont appellees Committees. Mes cest parol est autrement vse per *Kitch. fol. 160.* ou le Relict del Tenaunt le Roy est appelle le Committee le Roy, cestascavoir, vn commise per le auintient Ley del Terre, al care & protection le Roy.

Common Ley.

Common Ley est pur le plus part prise 3 voyes : Primerment, pur les Leyes de cest Realme simply, sans ascun auē Ley, come Customarie Ley, Ciuil Ley, Spiritual Ley, ou quecunque autre Ley ioyne a ceo, come quant est dispute en nostre Leyes Dengleterre, quid

Committee.

Committee is hee to whos the consideration or ordering of any matter is referred either by some Court, or consent of the parties to whom it appertaines; as in parliament, a bill being read, is either consented vnto, and passed, or denied or referred to the consideration of some certain men appointed by the House, who herupon are called **Comittens**. But this word is otherwise used by *Kitch. fo. 160.* where the word of the Kings tenant is called the **Committee** of the King, that is, one committed by the auintient Law of the Land, to the Kings care and protection.

Common Ley.

Common Ley is for the most part taken 3 ways: first, for the Lawes of this Realme simply, without any other, as Customary Law, Ciuil Law, Spiritual Law; or whatsoeuer else Law toynd vnto it, as when it is disputed in our Lawes of England, what ought

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ought of right to be determined by the Common Law, and what by the Spirituall Law, as Admiralls Court, or such like.

Secondly, it is taken for the Kings Courts, as the Kings Bench, or Common Place, onely to shew a difference between the and the base Courts, as Custumarie Courts, Court Barons, Countie Courts, Wapentakes, and such like: as when a plea of land is removed out of ancient demesne, because the land is frankfee, & pleadable at the Common Law, that is to say, in the K. Court, and not in ancient demesne, or in any other base Court.

Thirdly, and most usually by the Common Law is understood such Lawes as were generally taken and holden for Law, before any Statute was made to alter the same: as for example, Tenant for life, nor for yeares, were not to be punished for doing wast at the Common Law, till the Stat. of Glouc. cap. 5. was made, which doth give an action of wast against them. But Tenant by the Courtage, & Tenant in Dower, were punishable for wast at the Common Law, that is to say,

doit de droit estre determinee par le Common Ley, & quid par Spirituall Ley, ou le Court del Admiral, ou tielx semblables.

Secundariment, il est pris pur les Courts le Roy, come le Banke le Roy, ou Common Place, tantselement pur monstrer vn difference perent eux & les base Courts, come Custumarie Courts, Court Barons, Countie Courts, Wapentakes, & tielx semblables: come quant vn plee de terre est remouue hors de auncient demesne, pur ceo q le terf est Franke-fee, & pleadable al Common Ley, cest adire, en le Court le Roy, & nemy en auncient demesne, ou en aucun autre base Court.

Tiercement, & plus vscablement per le Common Ley est entendue tielx Leyes que fueront generalment prise & tenus pur Ley, deuant q aucun estatute fait fait pur alterce: come pur exemple, Tenant pur vie, ne pur ans, ne fueront destte punish pur fesans Wast al Common Ley tanq lestatute de Glouc. c. 5. suit fait, le quel done vn Action de Wast enuers eux. Mes Tenant per le Curtesie, & Tenant en Dower, fueront punishable pur Wast al Common ley, cest adire, per

The Exposition of

per le vsual & common receiued leyes le Realme, deuant le dit Statute de Gloucester fuit fait.

by the vsual and common receiued Lawes of the Realme, before the said Statute of Gloucester was made,

Common.

Common est le droit que home ad de mitter ses beaſts a Paſture, ou de vſer & occuper le terre que neſt ſon proper ſoile.

Et nota, que ſont diuers commons, ceſt adire common en groſſe, Common Appendant, Common Appurtenant, & Common per cauſe de vicinage.

Common en Groſſe, eſt louico per mon fait grant a vn autre, que il auer common en ma terre.

Common Appendant, eſt lou hothe eſt ſeiſie de certaine terre, a que il ad common en autre ſoile, & tous ceux que ſeront ſeiſies del dit terre aueront le dit common ſolement per ceux beaſts que compaſt la terre a que il eſt appendant, except Oyſons, Chiuers, & Porceaux.

Et tous iours, ceſt common eſt per preſcription, & de common droit, & il eſt appendant al terre arable ſolement, &

Common.

Common is the right that a man hath to put his beaſts to Paſture, or to viſe and occupy the ground that is not his owne.

And note, that there be diuers Commons, that is to ſay, Common in Groſſe, Common Appendant, Common Appurtenant, & Common becauſe of neighbourhood.

Common in Groſſe, is where I by my deed grant to another that he ſhall haue common in my land.

Common Appendant, is where a man is ſeiſed of certain land, to the which hee hath Common in another's ground, and all they that ſhall be ſeiſed of the land haue the ſaid Common onely for thoſe Beaſts which compaſt the land to which it is appendant, excepting Ceele, Goats, and Hogges.

And alſo ſaies that Common is by Preſcription, and of common right, and it is appendant to arable Land onely, and not

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them. And t
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not to any other Land, or nemy al autre terre ou mea-
House. son.

Common Appurtenant
is in the same manner as
Common Appendant. But
it is with all manner of
Beasts, as well Hogges,
Goats, and such like, as
Horses, Kine, Oxen,
Sheepe, and such as com-
pass the ground. And this
Common may be made at
this day, & may be severed
from the land to which it is
appurtenant, but so cannot
Common Appendant.

Common because of neigh-
borhood, is where the Te-
nants of two Towns which
be seised of two Townes,
where one lyeth nigh ano-
ther, and euery of them haue
bled, from the time whereof
no minde runneth, to haue
Common in the other towne
with all manner of Beasts
commonable.

But the one may not put
his Cattell in the others
ground, for so they of the
other Towne may distrain
them damage fessant, or
may haue an actio of Tres-
passe: But they may put
them into their owne fields,
and so if they stray into the
fields of the other Towne,
there they ought to suffer
them. And the inhabitants
of the one Towne ought not

Common Appurtenant
est en mesme le manner
come Common Appendant.
Mes est ouesque tous man-
ners des Auers, cibien Pro-
ceaux, Chiuers, & tiel sem-
blable, come Chiualls, Va-
ches, Boests, Barbits, & tiels
que compasser le terre. Et
tiel comon poit ee fait a ce
iour, & poit este seuer del ef-
a que il est appurtenant, mes
issint ne poit Common Ap-
pendant.

Common pur cause de
vicinage, est lou les Te-
naunts de deux Seignours
que sont seises de deux
Villes, dont l'un gist pres
l'autre, & chescun de eux
ont vse de temps dont me-
morie ne Court, de auer
Common en autre Ville, ou
uesque tous Beasts com-
monable.

Mes l'un ne poit mitter
ses Auers en le terre l'autre,
car la ceux de l'autre Ville
poient eux distraine Dam-
mage fessant, ou auer Acti-
on de Trespasse, mes ils
eux mittera en leur camp
demesne, & si ils estrey
en les camps del autre
Ville, ils doivent eux sus-
seuer. Et les Inhabitants
de l'un Ville ne doivent
mettre

The Exposition of

mitte eins tants cōe ils voile,
mes ayant regard al frankte-
nement del inhabitants de le
sue ville, car auterment il ne
seroit bone vicinity, sur que
tout cest matter depend.

to put in as many beasts
as they will, but having re-
gard to the inhabitants of
the other towne, for other-
wise it were no good neigh-
bourhood, upon which all
this matter doth depend.

Common pleas.

Common pleas est le court
le Roy iammes tenus en
le sale de Westminster, mes
en ancien temps moueable,
sicome appiert per le statute
de Magna Carta, cap. 11.

Mes Monsieur Gwyn en
le Preface a son lecture dit,
Que ielque le temps que
Henrie le tierce grant le
grand Charter, la fuit for-
que deux Courts solement
appel les Courts le Roy, de
que vn fuit Leschequer, &
l'autre le Banke le Roy, quel
fuit appel auxy *Aula Regia*,
pur ceo que l'enfue le Court,
& que sur le grant de cel
Charter, le Court de Com-
mon pleas fuit creé & set-
tle en vn lieu certaine, viz.
al Westminster, & pur ceo
que cest court fuit settled al
Westminster, oucunque le
Roy fuit, sur ceo tous les
bñs fueront faits oue cest re-
turne, *Quod sit coram*
Iudiciarijs meis apud West-

Common pleas.

Common pleas is the
kings court now held in
westminster hall, but in
antient time moueable, as
appareth by the statute of
Magna Charta cap. 11.

But master Gwyn in the
Preface to his reading,
sayth, That vntill the time
that Henry the third gran-
ted the great Charter,
there was but two Courts
only, called the Kings
Courts, whereof the Ex-
chequer was one, and the
other the Kings bench, the
which was called *Aula Re-*
gia, because that it folowed
the Court, and that vpon
the grant of that Charter,
the court of Common pleas
was created and settled in
place certaine, viz. at West-
minster, and because that
this Court was settled at
Westminster, whereof
the King was, hereupon all
the writs were made with
this returne, *Quod sit coram*
Iudiciarijs meis apud West-
monasterium

monasterium
the party
by them
me vel
without
any place
All this
Hall and
or were
tried in
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of the
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seemeth to
only Com
cases. A
thereof,
Lord chief
Common
panied with
assistants
who are
Kings Let
and as it is
placed upon
the Lord
Lord chief
Court, as
Forfeiture,
expelled a
circumstances
son.
The rest
appertaining
are these: C
nium, the
tew, Chirog
teene, Dylas
gencers, C
Warrants,

monasterium, where before
the partie was commanded
by them to appeare, coram
me vel iusticiarijs meis,
without any addition of
any place certaine.

All civile causes, as well
Real as Personall, are
or were, in ancient time
tryed in this Court, ac-
cording to the strict Law
of the Kingdome: And
by Fortescue, cap. 50. it
seemeth to have bene the
only Court for Real
causes. The chiefe Judge
thereof, is called, The
Lord chiefe Justice of the
Common Pleas, accom-
panied with three or foure
assitants or associates,
who are created by the
Kings Letters Patents,
and as it were installed or
placed upon the Bench by
the Lord Chancelor, and
Lord chiefe Justice of the
Court, as appeareth by
Fortescue, cap. 51. who
expresseth all the Cir-
cumstances of this admis-
sion.

The rest of the Officers
appertaining to this Court
are these: The Custos Bre-
vium, three Prothonota-
ries, Chirographer, four-
teene Philasers, foure Ex-
igenters, Clerke of the
Warrantis, Clerke of

Monasterium, ou deuant le
partie fuit command per
eux d'appareer, coram me vel
iusticiarijs meis, sans aucun
addition d'aucun lieu cer-
taine.

Touts civil causes, cy-
bien real come personal,
sont ou fueront en ancient
temps trye en cest Court, ac-
cordant al strict Ley del
Royaleme: Et per Fortescue
cap. 50. il semble d'auoir
este le sole Court pur real
chofes. Le primer Iudge
de ceo, est appel le Seignior
Chiefe Iustice del Com-
mon Plees, accompanie
oue trois ou quater assi-
stants ou associates, que
sont create per Letters Pa-
tents del Roy, & come
fuit enstalle ou place sur
le Banke per le Seignior
Chancellor, & Seignior
Chiefe Iustice del Court
come appiert per Fortescue,
cap 51. que expresse tous
les circonstances de cel ad-
mission.

Le residue des Officers
appertenant a cel Court
sont ceux: Le Custos
Brevium, trois Prothono-
taries, Chirographer,
dize quater Philasers, qua-
ter Exigenters, Clerke
des Warrantis, Clerke
des

The Exposition of

des Iuries, Clerke del the Iuries, Clerke of the
Treasurie, Clerke d'argent Treasurie, Clerke of the
e Roy, Clerke des Es- Kings Exchequer, Clerke of the
soines, Clerke des Vilaga- Exchequer, Clerke of the
rics. Duties.

*Common iour en plee
de terre.*

*Common day in plea
of land.*

*Common iour en plee de
terre, Anno 13. R. 2. Stat.
2. cap. 17. signifie vn ordi-
nary iour en le Court,
come Octabis Michaelis,
quindena Pasche, &c. come
poies vier en le Statute
fait, Anno 51. H. 3. con-
cernant general iours en le
Banke.*

*Common day in plea of
land, Anno 13. R. 2.
Stat. 1. cap. 17. signifie
an ordinare day in the
Court, as Octabis Mi-
chaelis, quindena Pasche,
&c. as you may see in
the Statute made An-
no 51. H. 3. concerning
general Dayes in the
Bench.*

Commotes.

Commotes.

*Commotes semble destre
vn parol composé del
Preposition, Con & Motio,
i. dictio, verbum, & sig-
nifie en Gales le part d'un
Countie ou Hundred, An-
no 28. H. 3. cap. 3. Il est
escrie Commoithes, Anno
4. H. 4. cap. 17. & est vse
pur vn Collection fait
sur les gens, come sem-
ble, de ceo ou cest Hun-
dred per Minstrels de
Gales.*

*Commotes seemeth to
be a compounded word
of the Preposition, Con
and Motio, that is, dictio,
verbum, and signifieth in
Wales the part of a Coun-
tie or Hundred, Anno 28.
H. 3. cap. 3. It is written
Commoithes, Anno 4. H.
4. cap. 17. and is used for
a gathering made upon the
people, as it seemeth of this
that Hundred by Welsh
Minstrels.*

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That the
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Orig. 161.*

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Law,*

Communi custodia.

Communi custodia is a
word which lyeth for
that Lord, whose tenant
holding by knights ser-
vice dieth, his eldest sonne
withyn age, against a stran-
ger, who entred the land,
and obtained the ward of
the bodie. It may seeme
to take the name from the
common Custome or right
in this case, which is,
That the Lord shall haue
the Wardship of his Te-
nant untill his full age; or
because that it is common
for the reconerie, both of
the Land and Tenant, as
appeareth by the forme
whereof, Old N. B. 89. Regist.
Orig. 161.

Communi custodia.

Communi custodia est vn
Briefe que gist pur cel
Seignieur, le Tenaunt de
quel tiendrant per Service
de Chivaler morust, son
eigne firs deins age, en-
uers vn estranger, que en-
ter le terre, & obteyne le
gard del corps. Il semble
de prendre le nomme del
common Custome ou droit
en ceo case, que est, Que
le Seignieur auera le gard
de son Tenauntiesque son
pleine age; ou pur ceo que
est common pur reconerie
del Terre & Tenant, come
appiert per le forme de ceo,
Veiel N. B. 89. Register
Orig. 161.

Computation.

Computation.

Computation, this word
is used in the Common
Law, for the true and in-
different construction of
time, so that neither the
one partie shall bee wrong
to the other, nor the deter-
mination of times referred
at large to bee taken one
way or other, but shall
bee computed according to
the iust Censure of the
Law.

Computation, celt parol
est vse en le Common
Ley, pur le voyer & indis-
ferent constructiõ de temps,
issint que ne lun partie
serra tort al autre, ne le
determination de termes
referre a large destre pris
vn voy ou autre, mes ser-
ra compute accordant al
droitural Censure de la
Ley.

The Exposition of

Come si Indentures de Demise sont ingrosse, portant date, le vniſme iour de May 1624. d'auer & tener terre en S. pur trois ans de cest temps, & les indentures sont deliuer le quart iour de Iune en lan auantdit ; En cest case, de cest temps, serra account del iour del deliuerie des Indentures, & nemy per ascun Computation del date, & si le dit Indenture soit deliuer al quater de le horologe puis meridie le dit quater iour de Iune, cest Leas finiera le tierce iour de Iune en le teirce an, car la Ley en cest computation reiect tous fractions ou diuisions del iour pur l'incertaintie, que tous foits est le Mere de contention. Iſſint ou la Statute Denrolments soit, Anno 27. Hen. 8. cap. 16. est, que les Escripts seront inrolle deins sixe moyes apres le date de meſme les Escripts indent, si tiels Escripts ont date, les sixe moyes serront account del date & nemy del deliuerie, mes si fault date doque il serra account del deliuerie, *Coke lib. 5. fol. 1.*

As if Indentures of demise are ingrossed, bearing date the eleventh day of May 1624. to haue and to hold the Land in S. for three yeares, from henceforth, and the Indentures are deliuered the fourth day of Iune in the yeare aforesaid ; In this case, from henceforth, shall be accounted from the day of the deliuerie of the indentures, and not by any computation from the date, and if the said Indenture bee deliuered at foure of the Clocke in the afternone of the said fourth day of Iune, this Lease shall end the third day of Iune, in the third yere, for the Law in this computation reiecteth all fractions or diuisions of the day for the incertaintie, which alwayes is the mother of contention. So where the Statute of Inrollements made Anno 27. H. 8. cap. 16. is, That the writings shall be inrolled within sixe moneths after the date of the same writings indented, if such writings haue date, the sixe moneths shall be accounted from the date, and not from the deliuerie, but if they want date, then it shall bee accounted from the deliuerie, *Coke lib. 5. fol. 1.*

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If any Dred be shewed to a Court at Westmynst. the Dred by Judgement of the law shal remain in Court al the Terme in which it is shewed, for all the Terme in Law is but as one day, Co. li. s. fo. 74.

If a Church be void, & the true patron doth not present within 6 moneths, then the Bishop of the Diocesse may collate his chaplain: but these 6 moneths shall not be computed according to 28 dayes to the moneth, but shall be computed according to the Kalendar. And there is great diuersite in our common speech in the singular number, as a Twene-moneth, which includes all the yeare according to the Kalendar, & 12 moneths, which shall be computed according to 28. dayes to every moneth.

Si ascun sayt est monstre a vn Courtaul Westmynster, le sayt per iudgement del Ley remaine en Court tout le Terme en q ceo est monstre, car tout le Terme en ley nest que vniour, Coke lib. 5. fol. 74.

Si vn Eglise happa voyd, & le veray patron ne presenta deins sixe moys, donques Leueſque del Dioces poet collate son Chaplein: mes ceux sixe moys ne ſerra account accordant al vint huiſt iours al moys, mes ſeront compue accordant al Kalendar. Et la est graund diuerſitie en nſe common parlance en le ſingular numbꝛ, cōc vn Twelue-moneth, que encluede tout lan ſolong, le Kalendar, & Twelue moneths, q ſerra compute ſolongue vint huiſt iours a cheſcun moys.

Computo.

Computo is a writ to call ſed of the effect, becauſe it compelleth a Baillif, Chan- cellain, or Receuer to giue his account, Old N.B. fo. 58. It is founded vpon the Statute of Weſtm. 2. cap. 1. in the which you may ſee your better vnderſtanding reade.

Computo.

Computo est vn brieffe iſſint appel dol' effect, pur ceo que il enſorce vñ Bayliſe, Chamberlaine, ou Receuer, a render ſon Account, Veil N.B. fo. 58. il est foundue ſur le Statute de Weſt. 2. cap. 1. le quel pour voſtre micux intelligence vous poyes lyer.

The Exposition of

Et il auxy gift pur Executors
de Executors, 15. Ed. 3. Stat. de
Prouis. viſſual. cap. 5. Tierce-
ment enuers le Gardein en
Socage, pur waſt ſayt en le
minorite del heire, *Marlebr.*
cap. 17. & vies pluſien queux
autres caſes il gift, *Reg Orig.*
fol. 135. *Peiel N. B.* fo. 58. &
F. N. B. fo. 116.

And it alſo lieth for Execu-
tors of Executors, 15. Ed. 3.
Stat. de Prouis Viſſual cap. 5.
3. Against the gardain in ſoc-
age, for waſt made in the
minoritie of the heire, *Marl.*
cap. 17. And ſee further in
what other caſes it lyeth,
Reg. orig. fo. 135. *Old Nat. B.*
fo. 58. & *F. N. B.* fo. 116.

Concealers.

Concealers ſont tiels que
trouont terres conceale,
ceo eſt, tiels ſres que ſont pri-
uement deteyne del Roy per
common perſons, ne ayant
pas aſcun choſe de monſtre p
eux, *Anno 30. Eliz. cap. 32.* Ils
ſont iſſint appel à *concelando*,
come *mons a mouendo*. p An-
tiphraſin.

Concealers.

Concealers are ſuch as
find out lands conceales,
that is, ſuch lands as are ſe-
cretly deteyned from the R.
by common perſons hauing
nothing to ſhew for them,
Anno 30. Eliz. cap. 22. They
are ſo called à *concelando*, as
Mons à Mouendo, by anti-
phraſis.

Conclusion.

Conclusion eſt quant home
perſon ſayt demefne ſur
Record, ad charge luy in oue
aſcun dutie, ou autr choſe:
Come ſi home que eſt franke
confeſſe luy meſme de ſr vil-
leine de A. ſur Record, &
apres A. priſt ſes biens, il ſer-
ra conclude adire en aſcun
Action ou Plea en ap, q il e
franke, p reaſon de ſon Con-
feſſio demefne. Iſſint ſi l Vic

Conclusion.

Conclusion is to be a man
by his own act upon Re-
cord hath charged himſelf
with a duty or other thing:
as if a freeman confeſſe him-
ſelf to be the villaine of A.
upon record, & afterwards he
taketh his goods, he ſhall be
concluded to ſay in any ſuit
or plea afterwards, that he
is free, by reaſon of his own
confeſſion. So if the ſheriff
upon

Upon a Capias to him directed, returneth that he hath taken the body, and yet hath not the body in court at the day of the return he shall be amerced: and if it were upon a Capias ad satisfaciendum, the pl. may have his Action against the sheriff for the escape for by such return the sheriff hath concluded himselfe.

And this word Conclusion is taken in another sense, as for the end of latter part of any Declaration, Bar, Replication, &c. As where to the bar there ought to be a replication, the conclusion of his plea shalbe, And this he is ready to affirme. If in dower the tenant pleads, That he was neuer seised to render dower, the conclusion shalbe, And vpon this he puts himselfe vpon the country. And in what maner the conclusion shall be according to the nature of seuerall actions, see Kitch. fo. 219, 220. &c.

for vn Capias a luy direct, retourne quod Capiis corpus, & vn vncore nad le corpes en Court al iour del Retourne, il serra amercie: & sil fuyt sur vn Capias ad satisfaciendum, le Playntife poyt auer son Action enuers le Vicont pur le escape, car per tiel Retourne le Viscont ad conclude luy mesme.

Et cest parol Conclusion est prist en vn autre sence, come par le fine ou darreynne part d'aucun Declaration, Barre, Replication, &c. Come ou al Barre couient estre vn Replication, le Conclusion de son Plea serra, Et hoc paratus est verificare. Si en Dower, le Tenant pleade ne vnques seise que Dower doyt render, le Conclusion serra, Et de hoc ponit se super patriam. Et en quel maner le Conclusion serra accordant al nature des seuerall actions, Vies Kitch. fol. 219. 220. &c.

Concord.

Concord is defined to be the very agreement between parties that intend the leuying of a fine of lands one to another, howe in what manner the Landes shall be

Concord.

Concord est define desire le voyer agreement entre parties que entendent le leuying dun fine de Terres vn al autre, quel voy & en quel maner les terres serrount passe:

The Exposition of

passé : car en le forme de ceo plusieurs choses sont destre consider, *Vid. West part. 2. tit. Fines & Concorde Sect. 30.*

Concord est auxy vn agreement fait sur ascun trespassse commit perent deux ou plusieurs, & est diuide en vn Concord executorie & execute. *Vide Plowden, Casu Reniger & Fogass, fol. 5. & 6.* ou il appere per l'opinion d'ascuns, Que l'un ne lia pas cōc esteant defectiue, l'auter esteant absolute & oblige les parties : & vncore per l'opinion d'autres en mesme le case, il est affirme, Que concords executorie sont perfect, & ne meynes l'erount pas que Concords execute, *fol. 8. b.*

Concubinage.

Concubinage est vn exception vers luy que port Action pur sa Dower, per que il est alledge, Que el ne fuyt loyalment espouse al partie en queux terres el quere destre endowe, mes son Concubine, *Britton, cap. 107. Bract. lib. 4. Tract. 6. cap. 8.*

passed : For in the forme thereof many things are to be considered. See West, pt. 2. tit. Fines & Concorde Sect. 30.

Concord is also an agreement made upon any trespass committed between two or more, and is diuided into a Concord executorie & executed. See Plowden in Reniger & Fogass's case, fo. 5. & 6. where it appeareth by the opinion of some, that the one doth not bind, as being imperfect, the other being absolute, bindeth & teth the parties; and per by the opinion of others in the same case, it is affirmed that Concords executorie are perfect, and do no less bind than Concords executed, *fol. 8. b.*

Concubinage.

Concubinage is an exception against her that bringeth an Action for her Dower, whereby it is alledged, That shee was not lawfully married to the partie in whose lands she seeks to be endowed, but his concubine, *Brit. ca. 107. Bracton lib. 4. Tract. 6. ca. 8.*

Con

Conders.

Conders are those that stand upon the high places nere to the Sea-coast, at the time of Herring-fishing, to make signes with boughs, &c. in their handes, to the fishers, which way the shoale of Herrings passeth: for they which stand upon some high Cliffe, may see it better than those that are in their ships. These are otherwise called *Huys* and *Balkers*, as appeareth by the Stat. of 1. Jac. ca. 23.

Conders.

Conders sont tiels que estoient sur les alt lieux procheine al coast del Mere, al temps del piscarie pur Haleques, a faire signes oue Ramaus, &c. en leur maines, al Piscarers, quel voy le troupe des Haleques passent: car ils que estoient sur aucun alt petre, poyent ceo mieux veier q̄ tiels que sont en leur nieses. Ceux sont autermēt appel *Huers* & *Balkers*, come appierr per lestatute d' 1. Jac. cap. 23.

Condition.

Condition is a restraint or bridle annexed & ioyned to a thing, so that by the not performance or not doing thereof, the partie to the condition shal receive prejudice & losse, and by the performance and doing of the same, commodity & advantage.

And all Conditions are either Conditions actual and expresse, which be called Conditions in *Verbo*, or else they be conditions implied, or covert, and not expresse, which are called Conditions in *Lato*.

Condition.

Condition est vn restraint ou bridle annex & ioyné al chose, issint q̄ per le non-performance, ou fensans de c', le partial Condition receiuea p̄iudice & parde, & per le performance & faire de c', commoditie & aduantage.

Et tous Conditions sont ou Conditions actual & expresse, queux sont appel conditions en *fayt*; ou ils sont Conditions implicite ou tacite, & nient expresse, les qux sont appellees Conditions en *Ley*.

Auxy

The Exposition of

Auxy tous Conditions sont ou Conditions precedent & vaient deuant lestat, & sont executees : ou subsequent, & veniens a ps lestat & executoire.

Le Condition precedent gaine & obtaine le chose ou estate fait sur Condition, per le performance de l condition.

Le Condition subsequent garde & continue le chose ou estate fait sur condition, per le performance de yeel.

Actual & expresse Condition, que est appelle vn Condition en Fayt, est vn Condition knitte & annexee per expresse parols, al Feoffement, Lease, ou Graunt, ou en escript, ou sauns escript. Sicome ieo enfeoffe vn home en Terre, reseruant Rent, desse payed a tyel Feast, sur Condition, Que si le Feoffee faile a payment al iour, que donques il sera loyal pur moy de re-enter.

Condition implicite, ou tacite & nient expresse, que est appelle Condition en Ley, est quant home graunt al autre le office destre Gardeine d'un Parke, Seneschall, Beadle, Bayliffe, ou tiels semblables,

Also all Conditions are either Conditions precedent and going before the Estate, and are executed: or else subsequent and following after the estate, and executory.

The Condition precedent doth get and gaine the thing or Estate made upon Condition, by the performance of the same.

The Condition subsequent doth keepe and continue the thing or estate made upon Condition, by the performance of the same.

Actual and expresse Condition, which is called a Condition in Deede, is a condition knit and annexed by expresse wordes, to the Feoffment, Lease, or Grant, either in writing or without writing: As if I infeoffe a man in landes, reserving a rent to be paid at such a feast, upon condition, that if the Feoffee faile at payment at the day, that then it shall be lawfull for me to re-enter.

Condition implied or covert and not expresse, which is called a Condition in Lawe, is when a man graunteth to another the Office to be Keeper of a Parke, Steward, Beadle, Bayliffe, or such like,

for

for terme of life, and though there be no condition at all expresse in the Grant, yet the Law speaketh covertly of a Condition, which is, That if the Graunter doth not execute all poyntes appertaining to his Office, by himselfe or his sufficient Deputy, then it shall be lawful for the Grantour to enter and discharge him of his Office.

Condition precedent & gaing before, is when a Lease is made to one for life, upon condition that if the Lessee for life will pay to the Lessor xx. li. at such a day, that then he shall have fee simple, here the condition precedes & gaies before the estate in fee simple, and upon the performance of the condition, both get and gaine the fee simple.

Condition subsequent, and coming after, is when one granteth to J. S. his Manor of Dale in fee simple, upon Condition, That the Grantour shall pay to him at such a day xx. pounds, or else that his Estate shall cease, here the Condition is subsequent and following the estate in fee simple, & upon the performance thereof both keepe and continue the Estate.

pur terme de vie, & nient obstant que la ne soynt aucun Condition expresse en le Grant, vneor le Ley parle couertment de vn Condition, quel est, Que si le Grantee ne executra pas tous poynts apperteygnont a son office, per luy meisme, ou son sufficient Deputy, donque sera loyal pur le Grantour de enter & discharge luy de son Office.

Condition precedent & ayant deuant, est quant vn Lease est fait al vn pur vie, sur Condition, Que si le Lessee pur vie voyle payer al Lessor xx. l. a tiel iour, que donques il auera fee simple, icy le Condition preceede & va deuant l'estate en fee simple, & sur le performance de le Condition, get & gayne Fee simple.

Condition subsequent, & veniens apres, est quant vn grant a l. S. son Manor de Dale en Fee simple, sur Condition, Que le Grantee payera a luy a tiel iour xx. l. ou autrement que son estate cessera, icy le Condition est subsequent & ensuant le estate en Fee simple, & sur le performance de ycel, gard & continue le estate.

The Exposition of

Vies plus de ceo en *Coke*,
li. 3. fo. 64. & en *Lit. li. 3. c. 5.*
& *Perkins* titulo ultimo de
Conditions.

See more of this in *Coke*,
li. 3. fo. 64 and in *Lit. li. 3. c. 5.*
and *Perkins* in the last title
of Conditions.

Confederacie.

Confederacie est quauant
deux ou plusors homes
luy mesmes confedre d' faire
ascun male ou dammage al
auf, ou de faire ascun chose
illoyal. Et coment q' Briefe
de Conspiracie ne gist si non
que le partie soit endite, & en
loyal manner acquite, car
issint sont les parols del
Briefe, vncore faux confede-
racie inter diuers persons
serra punie coment que nul
chose soyt mise en vre, & ceo
appiert per le Lieure de 27.
Assis. plac. 44. ou la est vn
note, que deux fueront endit
de confederacie, chesclun de
eux a maintenir auer, le
quel lour meistre soyt veray
ou faux, & nient obstant
que nul chose fuit suppose
destre mise en vre, les par-
ties fueront mis a responder
eo, que cē chose est defendue
en la Ley. Issint en le pro-
cheine article en mesme le
Lieure, enquirie serra fayt de
Conspirators & Confeder-
ators q' soy enē eux allyouant,
&c. de fausement enditer

Confederacie.

Confederacie is when
two or more men confe-
derate themselves to do any
hurt or damage to another,
or to doe any unlawful
thing. And although a writ
of Conspiracie doth not lie
if that the parties be not en-
dited, and in lawful man-
ner acquitted, soe so are the
wordes of the writ, yet false
confederacie between diuers
persons shall bee punished,
although that nothing bee
put in vre, and this ap-
peareth by the Booke of 27.
Assis. placit. 44. Where there
is a note, That two were
endited of Confederacy,
each of them to maintain
other, whether their matter
were true or false, and al-
though nothing was suppli-
ed to be put in vre, the par-
ties were p. To answer, say
as much as this thing is
forbidden in the law. So in
the next Article in the same
booke, enquirie shall be made
of conspirators & confeder-
ators, which bind themselves
together, &c. falsely to endite
03

oz acquit, &c. the manner of their binding, and between whom, which proueth also that confederacie to indite oz acquit although nothing be don is punishable by the law. And it is to be obserued that this confederacie punishable by l. before the it be executed ought to haue foure incidents. First it ought to be declared by some matter of prosecution, as by making of bonds oz promises the one to the other: secondly it ought to be malicious as for vnjust reuenge: thirdly it ought to be false against an innocent: & lastly it ought to be out of court voluntarie.

ou acquitter; &c. le manner del alliance, & enter queux, quel proue auxy que confederacie d'enditer ou acquitter coment que rien soit execute est punishable per la ley. Et est destre obserue que ceux confederacies punishable per Ley deuant que ils sont execute couient d'aueir quater incidents. Primermēt couient estre declare per ascun matter de prosecution cōe per fessant de bonds ou promises l'un al autre: secondermēt couient estre malitieux come p̄ vnjust reuenge: tiercemēt couient estre faux enconē vn innocent: & dermiermēt couiēt estre hors de court voluntariment.

Confession del offence.

Confession del offence.

Confession del offence is when a prisoner is appealed oz indicted of treason oz felonie, and brought to the barre to be arraigned thereof, and his indictment is read vnto him, and he is demāded by the court what he can say thereto, the either he cōfesseth the offence the indictment to be true, oz he estrangeth himselfe from the offence & pleadeth not guilty, oz else giueth an indirect answer, and so in effect standeth mute,

Confession del offence est quāt vn prisoner est appeale ou indite de Treason ou felonie, & trahe al barre dest̄ arraign de c' & son indictment est lie a luy & il est dēe per le court que il voyle dire a ceo, donque ou il confesse le offence & le endite-mēt destre voyer, ou il estranger luy m̄ del offence & plede niet culpable, ou autermēt done vn indirect respons, & issint en effect estoia mute.

The Exposition of

Et cōfession^{ne} poit estre fa^{ite} en deux sortes, & a deux seueral fines, de q^{ue} l'un ē, il poit confesse le offence de que il est indiēt appiertment en le Court deuāt l'Judge & submit luy mesme ad censure & iudgement del Ley. Quel confession del prisonier luy mesme est le plus certaine respons & meux satisfacion que poit estre deliuer al Judge, a condamner le offendor, issint que le dit confession proceda frankment & de son volunt demesne sans ascun menace force, ou rigorous extremite vse; car si le confession surde de ascun de ceux causes, il ne doit estre recorde. Come feme fuit indiēt pur le felonious embleer de pane al value de 2. s. & esteant de ceo arraigne el confesse le felonie, & dit que el ceo fait per le commandement de sa Baron, & les Judges en compassion, ne voient recorder sa confession, mes cause luy de pleader non culpable al felonie: sur que le Iurie esteant charge, il fuit troue que el emblea le pane per le compulsion de sa Baron encouter sa volunt, per quel meistre el fuit discharged.

And confession may be done in two sorts, and to two seuerall ends, wherof the one is, he may confesse the offence wherof he is indicted openly in the Court before the Judge and submit himselfe to the censure and iudgement of the Law: which confession of the prisoner himselfe is the most certaine answer and best satisfaction that may be giuen to the Judge to condemn the offendor. So that the said confession proceedeth freely and of his owne accord without any threats force, or rigorous extremities used; for if the confession groweth from any of these causes, it ought not to be recorded. As a woman was indicted for the felonious taking of bread to the value of two shillings, and being thereof arraigned she confessed the felonie, & sayd that shee did it by the commandement of her husband, and the Judges in pittie would not record her confession, but caused her to plead not guilty to the felonie: whereupon the Iurie being charged, it was found that shee stole the bread by the compulsion of her husband against her will, for which cause shee was discharged.

charged, 27. Aff. Pl. 50.

The other kind of confession of felonie which is made by a prisoner at his arraignment, openly in Court before the Judge, is when the prisoner confesseth the indictment to be true, & that he hath committed the offence whereof he is indicted, and then becommeth an approuer, that is to say, an accuser of others which have committed the same offence whereof he is indicted, or other offences with him, and then prayeth the Judge to haue a Coroner assigned to him, to whom he may make relation of those offences, and of the full circumstances thereof.

There is also a third kind of confession, made by an offender in felony, which is not in Court before the Judge as the other two are, but before a Coroner, in a Church, or other privileged place, upon which the offender by the antient Law of the Realme, is to be absolved the Realme.

charge, 27. Aff. Pl. 50.

L'auter sort de confession de Felonie que est fait par vn prisoner a son arraignment, appertement en Court deuant le Iudge, est quant le prisoner confesse l'indictement destre voyer, & que il ad commit le offence de que il est indict, & donque deuient vn approuer, cest a dire, vn accuser de auters queux ont commit mesme le offence de que il est indict, ou auters offences oue luy, & donque pria le Iudge d'auer vn Coroner assigne a luy, a que il poit faire relation de ceux offences, & del pleine circonstances de eux

La est auxy vn tierce sort de confession, fait par vn offender en felonie, que nest en Court deuant le Iudge come l'auters deux sont, mes deuant le Coroner en vn Eglise ou auter lieu privileged, sur que l'offendor persaucient ley del Roialme est de faire son abiurgation hors del Roialme.

Confirmation.

Confirmation is when one which hath right to any lands or tenements maketh a deede to another

Confirmation.

Confirmation est quant vn que auoit droit a aucun terres ou tenements fait vn fait a vn auter que

The Exposition of

que adoir ent le possession ou ascun estate ouesque ceux parolx, *Ratificasse*, *Approbasse*, *Confirmasse*, oue entent de enlarger son estate, ou faire son possession perfect & nient defesible per luy que fait le confirmation, ne per ascun autre que poit auengier a son droit.

Dont veies pluis en *Littleton lib. 3. cap. 9. de Confirmations.*

which hath thereof the possession, or some estate with these words, *Ratificasse*, *Approbasse*, *Confirmasse*, with intent to enlarge his estate, or make his possession perfect (and not defensible by him that maketh the confirmation, nor by any other that may have his right).

Whereof see more in *Littleton lib. 3. ca. 9. of Confirmations.*

Confiscate.

Confiscate, cest parol est prise del Latin parol *Fiscus*, que originalment signifie vn Hanapero ou Fraile, mes per implication, le treasure del Soueraigne, pur ceo q en veiel temps il fuit mis en Hanapers ou Frailes. Et nient obstant que nostre Roy ne mit son treasure en tiels choses, vacore come les Romans ont dit, que tiels biens que fueront forfeit al treasure del Emperour, esteant *Bona Confiscata*, en mesme le manner nous diomus de tiels biens, que sont forfeit al Eschquer de nostre roy. Et le title d'auer ceux biens est done al roy, p le ley quant ils ne sont claime per ascun autre, come si home

Confiscate.

Confiscate, this word is deriued from the Latyn word *Fiscus*, which originally signifieth an Hamper or Basket, but metonymically, the Princes treasure, because that in ancient time it was put in Hampers or Frailes. And although our King doth not put his treasure in such things, yet as the Romans haue said, that such goods as were forfeited to the Emperours treasure, were *Bona Confiscata*, in like manner we say of such goods as are forfeited to the Kings Exchequer. And the title to haue these goods, is giuen to the K. by the Law when they are not claimed by some other, as if a man

be indicted, that he feloniously stole the goods of another man, where in truth they are the proper goods of him indicted, & they are brought in Court against him in the manner, and he there asked, what he sayth to the sayd goods: To which he disclaimeth: There by this disclaimer he shall lose the goods, although that afterwards he be acquitted of the felony, and the King shall have the confiscated: but otherwise it is, if he doth not disclaim in them.

Christians know in where goods are found in the felonious possession, which he disavoweth, & afterwards is attainted of other goods, and not of them, there the goods which he disavoweth, are all confiscated to the King: but had he been attainted of the same goods, they should have bene said forfeited, and not confiscated, notwithstanding his disavowment. As if an Appaile of Robbers be brought, & the plaintiffe hath shown some of his goods, he shall not be received to enlarge his Appaile and say: I know not where the goods are left out, the King shall have them all confiscated, according to the old Rule, Quod non capit

soit indite, que il feloniouslyment emble les biens d'un autre homme, ou en veritie ils sont les propres biens d'icelui, & ils sont mises en Court vers luy come meneur, & la demaund est de luy, Que il dit as dits biens? As queux il disclaima: Icy per cel disclaimer il perdra les biens, d'oient que apres il soit acquitte del Felonie, & le Roy eux auera come confiscue: Mes autrement est, si il ne disclayma en eux.

Mesme le Ley est oit biens sont trouvez en la possession d'un Laiton, queux il disauowa, & puis est attaint de autres biens, & nemy de ceux, icy les biens queux il disauowa, sont al Roy come confiscues: Mais vloit il attaint de mesmes les biens, ils serroyent avec este appellees forfeits, & nemy confiscues, nient obstant son disauowment. Il s'entend si Appaile de Robberie soit port, & le plaintiffe interlessa aucun de ses biens, il ne serra receue d'enlarger son Appaile, & entant que nul est icy d'aduer les biens issint interlesse, le Roy eux auera come confiscue accordant al reiel dit, Quod non capit

Christi

Christus, capis ffectus. Et come
en le case auant dit, le Ley
punit le owner par son negli-
gence ou conuincence, ainsi
le Ley abhorre malice, en
querance le sanke d'aucun
sans iust cause. Et par ceo si
A. ad le biens de B. y baile
ment ou trouver, & B. post
Appeale vers A. pur y prendre
eux selonc iustement, & trouue
est que eux furent les biens
le plaintife, & que le defend-
ant vient a eux loyablement,
en cest case ceux biens ser-
ront confisq; al Roy, par le
faux & malicieux Appeale.

Conge d'eslire.

Conge d'eslire, venia cli-
endi, est le permission
Royal del Roy, a asc' Deane
& Chapter en temps de Va-
cation d'eslire vn Euesque,
ou a vn Abbey ou Priorie de
son foundation demesne de-
slier son Abbot, ou Prior.
F.N.B fol. 169. b. 170. b. c. & c.
Touchant cest chose, Mon-
sieur Gwyn en le Preface a
ses Lectures dit, Que le Roy
Dengleterre, come souveraine
Patron de tous Archieues-
ques, Euesques, & au-
tres Benefices Ecclesiastical,
ad de ancient temps franke
disposition d' tous dignities
Ecclesiastical, oucunque ils

Christus, capis ffectus. And
as in the case aforesaid, the
Ley punneth the owner
for his negligence & conuinc-
ence, so the Ley abhorreth
malice, in taking the blood
of any, without iust cause.
And therfore if B. hath the
goods of A. by default, or
finding, & B. brings an ap-
peale against A. for taking
them feloniously, and it is
found that they were the
plaintifs goods, and that the
def. came lawfully by the, in
this case these goods are con-
fiscat to the R. because of the
false & malitious Appeale.

Conge d'eslire.

Conge d'eslire, power of
choosing, is the R. Royal
permission to any Deane &
Chapter in time of vacancy
to chuse a Bishop, or to an
Abby or Priory of his own
foundation, to chuse their
Abbot, or Prior. F.N.B. fol.
169. b. 170. b. c. & c. Com-
cerning this matter, Ma-
ster Gwyn in the Preface to
his Readings, saith, That
the R. of England, as souer-
aign Patron of all Arch-
bishops, Bishops, &
other Ecclesiastical Bene-
fices, had of ancient time free
dispositio of all Ecclesiasti-
cal dignities wherunto they

happen to be void, inuelling them, first p baculum & annulum, & afterwards by his Letters Patents, & that in pgress of time they gave power to make election vnder certaine formes & conditions: as namely, that they byon enerie vacation shall entreat of the King Conge d'lire, that is, licence to proceed to election, and then after the election to craue his Royall assent, &c. And further he affirmeth by good pfoofe out of the Common law books, that King Iohn was the first that granted it, & that it was afterward confirmed by West. 1. ca. 1. which Statute was made Anno 3. Ed. 1. and againe, by the statute de Art. Cleri cap. 2. which was ordained Anno 25. Ed. 3. Stat. 3.

happa de sire void, inuestant eux, primerment per baculum & annulum, & puis per ses Lettres Patentes, & q en pgress de temps ils done poyer a auters a faire election, south ascun formes & conditions: come nosmeint, q ils a chef. cun vacation demanderont del Roy Conge d'lire, cest a scauoir, licence a pceder al election, & donque puis le election a obsecrer son Roy al assent, &c. Et ouster il as. firme p bone pbaton hors des liuers del Comon Ley, q le Roy Iohn fuit le primer q granta ceo, & que il fuit puis confirme p Westm. 1. cap. 1. q l statute fuit fait Anno 3. Ed. 1. & arere per le statute de Art. Cleri, cap. 2. que fuit ordaine Anno 25. Ed. 3. Stat. 3.

Coniuration.

Coniuration is a compact or plot made by men, combining themselves together by oath or promise to do any publike harme. But it is more comonly used for such as haue personal conference with the Devil or evil spirit to know any secret, or to effect any purpose, An. 5. Eliz. c. 16. And the difference betwixt Coniuration & Witchcraft may be said to be this,

Coniuration.

Coniuration est vn cōpact ou plot fait p homes combinant eux mesmes ensemble per serement ou parol a faire asc' publiq; leide. Mes il est plus cōmunement vse pur tiels q ux ont psonal parlance ou le Diable ou male esprit a cognostre ascun secret, ou de faire ascun chose, An. 5. Eliz. c. 16. Et le differēce penter Coniuration & Witchcraft poit estre dit de sire ceo,

M a pur

The Exposition of

pur ces que luy semble per
Orizons & inuocation sur
le potent nomme de Dieu,
de compeller le Diable a
dire ou faire que il luy com-
mande, & l'auter fait plu-
sieur vn amicable & volun-
tarie parlanee ou concord
parenter luy ou el & le Dia-
ble ou esperit d'aider sa ou
son volent & choses effect,
en lieu de sangue ou auter
done offer a luy, primerint
de son ou sa foule: Et am-
bideux ceux differont den-
chantments ou Sorteries,
pur ces que ils sont psonal
parlanee oue le Diable, cõe
est dit, mes ceux sont forsq,
medicines & ceremonial
formes de parols, commun-
ment appel Charmes, sans
apparition.

because that the our sameth
by prayres and inuocation
vpon the powerful name of
God, to compell the Deuill
to say or doe what he com-
mandeth; & the other doth
rather by a friendly and
voluntarie conference or a-
greement betwix him or
her and the Deuill or fami-
liar, to haue his or her de-
sires and purposes effected,
in stead of blood or other
gift offered vnto him, espe-
cially of his or her soule:
And both these differ from
Enchantments or Sorce-
ries, because that they are
personall conferences with
the Deuill, as is said; but
these are but medicines & ce-
rimoniall fa;mes of wordes,
commonly called Charmes,
without apparition.

Conseruator del Truce.

Conseruator del Truce fait
vn Officer constitute en
chescun port del mere, south
les Letters Patents le Roy,
& ad 40. l. pur son annual
salarie, al meins. Son charge
fuit d'enquiere de tous of-
fences faits enuers le Truce,
& s'asse conduits del Roy,
sur le pleine Mere, hors des
pais & hors des franchises
del Cinque Ports le Roy,
come les Admirals de cu-

Conseruator of the Truce.

Conseruator of the Truce
was an Officer appoin-
ted in every Port of the In-
dies [the Kings Letters
Patents, & ad 40. l. for his
yearly stipend, at the least.
His charge was to inquire
of all offences done against
the Kings Truce, & s'asse
conducts, both the main sea,
out of the countries & out of
the liberties of the 5 Ports
of the I. as the Admirals
of customs

Some have used to do, & such other things as are declared an. 2. H. 5. c. 6. Touching this matter you may read the other Stat. of an. 4. H. 5. ca. 7.

Some ont vſe de faire, & tiels auſi choſes cōe ſont declare, An. 2. H. 5. c. 6. Touchant ceſt choſe, poyez lier laui Statute de An. 4. H. 5. ca. 7.

Conſervator of the peace.

Conſervator del peace,

Conſervator of the P. is he that hath an eſpecial charge by vertue of his office to ſee the Kings peace kept, which peace in effect is holden to be a ſwith-holding of obſtinace from that inuention ſeper & violence that but only & hoſtile men are in their naturas prone to be towards others, were they not reſtrained by law & fear of puniſhment. Of theſe conſervators M. Lamb. further ſaith, that befoze the time of R. L. 1. who firſt appointed juſt. of P. there were ſundry perſons who by the common law had intereſt in the keeping of the P. of theſe ſome had that charge as incident to their offices, & ſo included within the ſame, & yet notwithstanding were called by the name of their officiously; ſome others had it ſimply as of it ſelf, & were therof named Cuſtod pacis, or archons or Conſervators of the P. & had theſe ſepers again ſubdivided by M. Lamb. in his Hierarchy, li. 1. ca. 3.

Conſervator del Peace eſt celuy que ad un eſpecial charge per vertue de ſon Office, a veier le peace. Le Roy obſerve. Quel peace en effect eſt deſine deſtre un detention ou abſtinence de cel iniurio force & violence q homes irregular & indomit ſont en leur naturas apt de verſer enſus auſi, ſinon q ils ſueſ reſtrain p leyes & pavor de caſtigac. De ceux Conſervators Monſieur Lambert ouſter dit, Que deuant le temps del roy R. L. 3. q primement conſtitute Juſt. del Peace, la ſueſ diſs pſons q p le cōmon ley auſi inſeſt en le gardiancy del Peace. De ceux aſcuns ont c' charg' cōe incident a leur offices, & iſſint include deins m, niēt obſtāt ils ſueſ appel p l' noſme & leur office ſolemtraſc' auſi ont ceo ſolemtraſc' de luy m, & ſueſ de c' noſme Cuſtodes Pacis, Gardians ou Conſervators del Peace. Et ceux ambideux ſorts ſont arere ſubdiviſe uide per M. Lambert in ſon Hierarchy, li. 1. ca. 3.

The Exposition of

Consideration.

Considerat' E'ſſentiall cauſe
dun Contract, ſans le q'l
nul Contract poit lier le par-
tie: ceo Consideration eſt ou
exprefſe, ſicome quauant vn
home bargaine a doner vint
ſoulz pur vn Chiuall ou eſt
implic, ſicome quant le Ley
meſme enforce vn considera-
tion, come ſi vn home vient
en vn common hoſtel, & la
commorant aſcun tēps, priſt
viands & giſure, ou aſcun, p
luy meſme, ou pur ſon Chi-
ual, le ley pſume q'il entend
a payer p ambideux, nient
obſtant riens ſoit ouſter Co-
uenant penſ luy & ſon hoſt-
ler, & p c' ſil ne diſcharga pas
le meaſon, l'hoſt poit retai-
ſon Chiuall.

Auxy la eſt consideration
de nature & ſanke, & valu-
able consideration, & pur
ceo ſi home ſoit endet a di-
uers auters, & nient obſtant
en consideration de natural
affection done routs ſes bies
a ſon Fils ou Coſine, ceo ſer-
ra entend deſire vn fran-
dulent done deins ſact de 13.
Elix. cap. 5. pur ceo que ceſt
aſt entend vn valuable Con-
ſideration.

Consideration.

Consideration is the ma-
teriall cauſe of a contract,
without the which no con-
tract can binde the partie:
this consideration is either
exprefſed, as when a man
bargaineth to giue xx. s. for
a horſe: or is implied, as
when the Law it ſelfe en-
forceth a consideration, as if
a man comes into a common
Inne, & there ſtaying ſome
time, taketh meat or lodging,
or either, for himſelfe or for
his horſe, the law preſumeth
that he intendeth to pay for
both, notwithstanding that
nothing be further conſen-
ted between him & his hoſt,
and therfore if he diſcharges
not the hoſt, the hoſt may
ſtay his horſe.

Also there is consideration
of nature & blood, & valuable
consideration, & therfore if a
man bee indebted to diuers
others, & yet notwithstanding
in consideration of na-
tural affection giueth al his
goods to his ſonne or coſine,
this ſhalbe conſtrued a fran-
dulent gift within the act of
13. Elix. cap. 5. becauſe that
this doth intendeth a valu-
able consideration.

Convocation

Conuocation.

Conuocation is common-
ly taken for the assembly
of all the Clergie to consult
of Ecclesiasticall matters in
time of Parliament: and as
there are two houses of
parliament, so there are two
places called Conuocation
houses, the one called the
higher Conuocation house,
where the Archbishops and
Bishops sit severally by
themselves, the other, the
lower Conuocation house,
where all the rest of the
Clergie are bestowed. Vide
Prolocutor.

Conuocation.

Conuocation est commune-
ment prise p^r l'assembly &
tout les Clerkes, p^r conseil de
choses ecclesiasticall, en t^{em}p^s
de Parlem^{en}t; & comme la Roy
deux maisons de Parlem^{en}t,
il y a la font deux lieuxappel
maisons de Conuocation, l'une
appel le plus haulte maison de
Conuocation, ou les Arche-
uesques & Euesques sedent
seueralment par eux mesmes,
l'autre le inferieur maison de
conuocation; ou tout le resi-
due des Clerks sont bestow.
Vide Prolocutor.

Consolidation.

Consolidation is used for
the combining and uni-
ting of two Benefices in
one, & this word is taken
from the Civile law, where
it properly significeth, a uni-
ting of the possession, occupa-
tion, or profit, with the pro-
perty, it may also be by le-
gacy, *sum fructu fundi*, & af-
ter purchaseth the property
as in simple of the heirs, in
this case a consolidation is
made of the profit and prop-
erty, Vide *heir*. Union.

Consolidation.

Consolidation est vlc pur le
combinancie & vnificace
de deux Benefices en vn; &
cest parol est prise de le Ley
Ciuille, ou il propernt signi-
fic vn vnting del possession,
occupation, ou profit oue le
property, come si home ad
p^r legacy, *sum fructu fundi*,
& puis purchale le propriete
ou son simple del heir, en ce
case vn consolidation est fait
des profits & property, Vide
heir. Union.

Conspiracy.

The Exposition of

Conspiracie.

Conspiracie, nient obstant
que en Latyne & Fran-
cois est vne par vn agreement
des homes, a faire vn chose
bonne ou male, vneore il est
communement prise en le
Ley en male part: Il est des-
fine en 34. Edm. 1. Stat. 1. de-
sire vn agreement de tiels q
confederont ou lieront eux
mesmes per serement, coue-
nant, ou autre allyance, que
chescun de eux portera & ai-
dela l'auter fausement & ma-
liciouslyment d'enditer, ou
fausement a mouer ou main-
tayner Plee, & auxy tiels,
que causant Enfans de Fe-
lonie, per que ils sont impri-
son & durement grieue: &
tiels que reteignent gentes en
le pais oue lieries ou fees de
maintainer lour a lions ma-
licious, & ceo extend cybien
a les prisors come les donors.
Auxy Seneschals & Recues
de grand Seigniors, que per
lour Seignorie, Office, ou
poyar, assume de porter ou
maintainer quarels, plees, ou
debates que concernent
autres parties, que tiels que
couchant lestate de lour

Conspiracie.

Conspiracie, notwithstanding that in Latyn and
French it is tolde for an Ag-
reement of men to doe a
good or euill thing, yet it is
commonly taken in the law
in the euill part: It is defi-
ned in 34. Ed. 1. Stat. 1. to be
an agreement of such as con-
feder or bind themselves by
oath, covenant, or other ally-
ance, that every of them shall
doe and ayd the other falsly
and maliciously, to murther
or falsly to moue or main-
taine Plee, and also such
as cause chyliden within
age to appeale men of Felon-
ie, whereby they are im-
prisoned and sore grieved:
and such as maintaine men
in the Countie with li-
beries and fees to main-
teine their malicious enter-
prises, and this extendeth
as well to the Lawyers as
to the Clergy. Also Senesch-
alls and Receiues of great
Barons, who by their Seign-
orie, Office, or poyar, as-
sume to beare or
maintaine quarrels, Plee,
or debates that concern
other parties than such as
touch the Countie of them
selves.

Woyds, or of themselves, an-
no 4. Edw. 3. cap. 11. 3. Hen. 7
cap. 13. And thereof see
more, 1. Hen. 5. cap. 3. 13. H. 6.
cap. 12. and also in the olde
Booke of Entries, Woyd
Conspiracie.

Seignours, ou deux mesmes,
Anno 4. Edward. 3. cap. 11. 3.
Hen. 7. cap. 13. Et de ceo vics
pluis, 1. Henric. 5. cap. 3. 13.
H. 6. cap. 12. & auxy en le
veiel Lieure de Entries, verb
Conspiracie.

And this Woyd in the
places before rehearsed, is
taken more generally, & is
confounded with Spaints-
nances and Champerty, but
in a moys speciall significa-
tion it is taken for a confe-
deracie betwixtne two, or
more, falsly to iudice one, or
to procure one to be indicted
of felony: And the punish-
ment of conspiracy upon an
Indictment of Felonie at
the Suit of the King, is,
That the parties attainted
shall lose his franchises, to
the intent that hee bee not
impanelled upon Iuries of
Assises, or such like employ-
ments, for the testifying of
the truth: And if hee hath
to doe in the Kings Court,
that he maketh his Attor-
ney, and that his Landow,
Goods, and Chattels be seis-
ed into the Kings hand, his
Landes estreaped, his Crown
digged up, & his bodie com-
mitted to prison, 27. li. A. R.
59. Crom. 156. b. this is cal-
led villanous indignitee. But
if the partie grieved will

Et ceo parol en les lieux
deuauant rehearse, est prise
pluis generalment, & est
confound oue Maintenance
& Champertie, mes en vn
pluis speciall signification,
il est prise pur vn Confede-
racie parentet deux, ou
plusors, fausement enditer
vn, ou de procurer vn de-
stre endite de Felonie: Et
le punishment de Conspi-
racie sur vn Indictement de
Felonie al suire le Roy, est,
Que le partie attaint per-
dera son Franke Ley, al en-
tent que il ne soyt impanel
sur Iuries, ou Assises ou tiels
semblables employments, p
le testification del voyertie:
Et sil ad a faire en le Court
le Roy, que il fayt son At-
turney, & que ses Terres,
Bienes, & Chatels, sont seise
en les maines le Roy, ses
Terres estreape, ses Arbres
defosse, & son corps com-
mise al prison, 27. Lib. Ass.
59. Crompton 156. b. ceo est
appel villanous iudgement.
Mes si le partie grieve voyle
suer

The Exposition of

suert va briefe de Conspiracy,
donque veies F. N. B. 114. d.
115. j. &c.

Is a briefe of Consistency,
then see F. N. B. 124. d. 115. j.
&c.

Constable.

Constable.

Constable est diuersement
vse en le Common ley,
Et primerment, le Constable
D'engleterre, que est
aux appel Marshal, *Staw.*
Pl. Cor. fo. 63. de l'authoritie
& dignitie d'un homme peut
trouver plusieurs arguments
& signes cy bien en les Sta-
tutes, come les Chronicles
de ceo Royaulme: son poyar
consist en le care del Com-
mon peace del Terre, en faict
marshal, & choses de chival-
rie, *Lamb. Duties des Constables*,
num 4. oue que agree le
Statute de 13. Rich 2. cap. 2.
Statut. 1. De ceo Officer ou
Magistrate, Monsieur Gwyn
en le Preface a ses Lectures
dit a tiel effect, Le Court de
Constable & Marshal finist
contracts touchant saytes de
Chivalrie, hors del Royaulm,
& treat choses concernount
guerres deins le roialme, cōe
combats, blasons d'armorie,
& tiels semblables, mesil n'ad
a faire oue battell en appeale,
ne generalm̄, oue ascun au-
chose que poyt estre trye per
les leys del ire. *Vic. Forres-*

Constable is diuersly vied
in the common law: And
first the Constable of Eng-
land, who is also called mar-
shal, *Staw. Pl. Co. fol. 63.* of
whose authority & dignitie
a man may find many argu-
ments and signes, as well in
the statutes, as in the chro-
nicles of this Realme: his
way consisteth in the care of
the common peace of the land,
in deeds of armes & matters
of wars, *Lam. Dut. of Con-
stables* num. 4. wherevnto as
groweth the Stat. of 13. R. 2. c. 2.
Stat. 1. Of this Officer or
magistrate, M. Gwyn in the
Preface to his Readings,
saith to this purpose, The
Court of the Constable and
Marshal determineth Con-
tracts touching Deeds of
armes out of the roialme, and
handleth things concerning
wars within the Realme,
as Combats, Blasons of
armorie, and such like; but
he hath nothing to doe with
battell in appeale, nor gene-
rally with any other thing
that may bee tryed by the
law of the Land. *See Forre-*
scue

seue c. 32. This office heretofore was appertaining to Lords of certain Mannors, Iure feudi, and why it is discontinued, see Dyer 258 pl. cito 39.

Out of this Magistracie (saith M. Lambert) were taken these lower Constables, which were Constables of Hundreds & Liberties, and first ordained by the Star. of Winch. 13. Edw. 1. which appoints for the conservation of the peace, and view of Writs, two Constables in every Hundred & Liberties, & these be at this day called high Constables, because the increase of people and offences, hath again vnder these made others in every towne, called petty Constables, who are of the like nature, but of inferior authority to the other.

Besides these, there are officers of particular places called by this name, as Constable of the Tower, Stat. 15. 1. H. 4. 13. Constable of the Exchequer, 15. H. 1. Stat. 5. Constable of Dover castle, Camb. Brit. pag. 239. Fitz. N. B. otherwise called Castellain. M. Manwood pt. 1. c. 17. of his Forest Lawes, maketh mention of a Constable of the Forest,

seue cap. 32. Cest office en temps par deuant, fuit appertenant al Sires de certaine Manors, Iure feudi, & p quel cause e' discontinued, Veies Dy. 258. Pl. 39.

Hors de cel Magistracie, (dit Monsieur Lambert) fuer' trahe ceux South Constables, les quels nous appellomus Constables des Hundreds & Franchises, & primum ordain p l'estat de Winch. 13. E. 1. le quel appoint p l'conservation del Peace, & view d'armour, deux Constables e' chescun Hundred & Franchise, & ceux sont a cest iour appelz alt Constables, p c' q' l'enceinte des gens & peches, ad arere South ceux fait auz en chesc' ville, appelz petit Constables, queux sont de semblable nature, mes d'inférieur auctorité al auz.

Ouster ceux la sont Officiers de particulier lieux, appelz per cest nostre, come Constable del Tower, Stat. 15. 1. Hen. 4. 13. Constable de Exchequer, 15. Hen. 3. Stat. 5. Constable de Dover Castle, Camb. Brit. pag. 239. Fitz. N. B. autrement appelle Castellain. M. Manwood part. 1. cap. 17. de ses Loies del Forest, fait mention dun Constable del Forrest.

Consul.

The Exposition of

Consultation.

Consultation est vn Briefe per que vn cause esleant par deuant remouue per prohibition, hors del Court Ecclesiasticall, ou Court Christian, al Court le Roy, est la retourne arere: Car si les Iudges del Court le Roy comparont le libel ou le suggestion del partie, trouuant la suggestion faulx, ou nient prouue, & par ceo l'cause destre tortiousment appelle del Court Christeine; donque sur ceo consultation ou deliberation, ils decrees ceo destre retourne arere, sur que le Briefe en ceo case obtaine est appel vn Consultation. De ceo vous poyes lier le *Regist. orig. fo. 44. iclque fol. 58. Pet. N.B. fo. 32. & F.N.B. fo. 50.*

Contenement.

Contenement, semble destre le Franketenement Terre que gist al tenement ou meason que est en son occupation demesne; Car en *Magna Charta cap. 14.* la sont tiels parols, Vn Franke home ne serra auecie pur vn petit offence, mes

Consultation.

Consultation is a writ whereby a cause being lawfully removed by prohibition, out of the Ecclesiasticall Court or Court Christian, to the H. court, is returned thither again: For if the Iudges of the H. court comparing the libell with the suggestion of the partie, find the suggestion false, or not proued, and therefore the cause to bee lawfully called from the Court Christian, then upon this consultation or deliberation, they decrees it to bee returned again, whereupon the writ in this case obtained, is called a Consultation. Of this you may read the *Reg. orig. fol. 44. butill fo. 58. Old N.B. fo. 32. & F.N.B. fo. 50.*

Contenement.

Contenement, seemeth to be the freehold land that lieth to the Tenant or dwelling house that is in his owne occupation; for in *Magna Charta cap. 14.* there are such wordes, I freeman shall not be grieved for a small fault, but

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M. 6.

according to the quantitie
of the fault, and for a great
fault, according to the man-
ner thereof, sending into
him his Contenement or
frankhold: And a Merchant
shall also be amerced, sending
to him his Merchandises,
and a villeine sending to him
his wainage.

accordant al quantitie del
offence, & par vn grand
offence, accordant al man-
ner de ceo, sauant a luy son
contenement ou frankten-
ment: Et vn Merchant, ser-
ra auxy amercie, sauant a
luy ses Merchandizes, &
vn villeine sauant a luy son
gainage.

Continuance.

CONTINUANCE.

Continuance in the Com-
mon Law, is of the
same signification with Pro-
rogatio in the Civill Law:
It continueth untill the
next Hilite, F.N.B. 154. f.
and 244. d. in both which
places it is sayd, That if a
Record in the Treasurie be
alleged by the one partie,
and denied by the other, a
Certiorari shal be sued to the
Treasurer and the Cham-
berlaine of the Exchequer,
and if they doe not certifie
in the Chancery that such
Record is there, or that it is
like to bee in the Tower,
the King shall send to the
Justices, repeating the said
Certificate, and comman-
ding them to continue the
Hilite. In this signification
it is also used by Kyechin,
202. and 199. also Anno 11.
H. 6. cap. 4.

Continuance en le Com-
mon Ley est de mesme
signification oue *Proroga-
tio* en le Ciuile Ley: come
cōtinuance ielsq; le pcheine
assise, F.N.B. 154. f. & 244. d.
en queux ambideux lieux il
est dit, Que si vn record en le
Treasurie soit alleadge per
lun partie & denie per lautre,
vn *Certiorari* serra sue al
Treasurer & le Chamber-
leine d'exchequer, & s'ils
ne certifie pas en le Chan-
cerie que tiel record est la,
ou que est semblable destre
en le Tower, le Roy mittera
al iustices, recyuant le dit
Certificate, & commandant
eux de continuer l'assise.
En ceo signification est
auxy vſe per Kyechin 202.
& 199. auxy Anno 11. H. 6.

The Exposition of

Customs.

Confuetudin' & seruitijs, est vn Brieft, & gift lou ieo ou mes anceltors de puis le limitation de Assise (par quel veies le Title de Limitation en le Collection de Statutes) nasueront seises des customs ou seruices de mon tenant, mes deuant, donques ieo aia ce bfe pur re couerer ceux seruices.

Auxy le tenant poit auer cest Brieft vers son Seignior, mes apres que le tenant ad count, le Seignior defendra les mots del Count, & repliant dirra, que i ne distraina pas pur les Customs dont le count est, & donques il countera count le count de les Customs & Seruices, & donques le tenant que fuit pl deuiendra defendant, & defendra per bataille ou grand Assise:

Continual claime.

Continual claime est lou home ad droit de entre en certaine terres dont vn auter est seise en Fee simple, ou Fee taile, & il ne ofast enter pur paour de mort ou batterie,

Custom.

Customes & seruices is a writ, and ipeth whare I or my anceltors after the limitation of Wille (for which, in the title of Limitation in the collection of Statutes) were not seised of the customs or seruices of my tenant before, then I shall have this writ to recover those seruices.

Also the tenant may haue this writ against his lord, but after that the tenant hath declared, the lord shall defend the words of the declaration, and replying shall say, that he hath retained not for the customs whereof the declaration is, and then he shall declare al the declaration of the customs and seruices, & then the tenant, who was plaintiffe shall become defendant, and shall defend by bataille, or great Wille.

Continuall claime.

Continuall claime is whare a man hath right to enter into certaine lands whereof another is seised in Fee simple, or Fee taile, and hee dare not enter for feare of death or beating, but

but approacheth as nigh as he dare, and maketh claim thereto within the yeare and day before the death of him that hath the lands, if after he which hath the land be seized, and his heire is in by descent, yet hee that maketh such claime may enter upon the heire, notwithstanding such descent, for that that hee hath made such continual claime: but it behooveth that such claime alwayes be made within the yeare and the day before the death of the tenant, for if such a tenant doe not be seized within a yeare and a day after such claime made, and yet hee that hath right dare not enter, then it behooveth him that hath such right to make an other claime within the yeare and day after the first claime, and after such second claime to make the third claime within the yeare and day, if hee will be sure to save his entrie.

But if the Disseisor dye seized within the yeare and day after the disseisin, and no claime made, then the entrie of the disseisee is taken away, for the yeare and day shall not be taken from the time of the title of the entrie to him growne, but

mes approcha cy pres come il o fait, & fait claime a ceo deins le an & iour deuant le mort de cestuy que ad le terre, si apres cestuy que ad le terre des uie seisie, & son heire est eins per descent, vncore cestuy que fait tiel claime poit enter sur le heire, nient contristiant tiel descent, pur ceo que il ad fait tiel continual claime. Mes il couient que cest claime routs foits soit fait deins l'an & iour deuant le mort le tenaunt, car si tiel tenaunt ne morust seisie deins l'an & iour apres tiel claime fait, & vncore il que ad droit no fait enter, donques couient al cestuy que ad tyel droit que faire auter claime deins l'an & iour apres le primer claime, & apres tiel second claime de faire le tierce claime deins l'an & iour, si il voyt este sure de sauver son entrie.

Mes si le Disseisor deuie seisie deins l'an & iour apres le disseisin, & nul claime fait, donques le entrie le disseisee est tolle, car l'an & iour ne serra prise de le temps del title d'entree a luy accrue, mes sole-

The Exposition of

solement de le temps del
Garraine clame per luy fait,
come est auandit. Veies
pluis de ceo en *Littleton lib.*
3. cap. 7.

only from the time of the
last claim by him made, as
in *afesaysd.* See more
hereof in *Littleton lib.*
3. cap. 7.

Counterplee.

Counterplee est lou vn
port vn action, & le te-
nant en son respons & plee
vouch ou appel pur ascun
home pur garrant son title,
ou praver ayde de auter,
que ad melior estare, come
de cestuy en la reversion,
ou si vn estrange al action,
vient & priera destre res-
ceue de sauer son estare, si
le demandat reply a ceo, &
monstre cause que il ne
doit tiel home vouch, ou
que ne doit de tiel home
ayde auer, ou que tiel
home ne doit estre resceue,
cest plee est appel vn coun-
terplee al vouch, ayde,
ou rescit, come le case est,
mes si le vouch soit al-
low, & quant le vouchee
vient eins & demaunde
quel chose le tenant ad
de luy vouch, & le te-
nant monstre son cause, &
le vouchee plede ascun mat-
ter de auoide le Garrantie,
ceo est appel counterplee del
Garrantie.

Counterplee.

Counterplee is when one
brings an action, and
the tenant in his answer,
and ple, voucheth or calling
for any man to warrant his
title, or prayeth in ayde of an-
other, which hath better
estate than he, or of him that
is in the reversion, or if one
that is a stranger to the
action, come and pray to be
receiv'd; to save his estate,
if the demandant reply
thereto, and shew cause that
hee ought not such a one to
vouch, or that he ought not
of such a one to have ayde,
or that such a one ought
not to be receiv'd, this ple
is called a Counterplee in
the vouch, ayde, or rescit,
as the case is, but if the
vouch be allowed, & when the
vouchee cometh in & de-
mandeth what cause the te-
nant hath, and the tenant
sheweth his case, and the
vouchee pleads any thing to
avoid the warrantie, that
is called a counterplee to the
warrantie.

Counter-

Countermand.

Countermand is where a thing formerly executed is afterwards by some act or ceremony frustrated and made void, by the parties that hath done it first. As if a man hath made his last will, whereby hee deviseth his land to A. B. and afterwards hee intesteth another man of the same land, there this secondment is a Countermand to the will, and the will as to the disposition of the land is void. If a woman seised of land in fee maketh a will in writing, and deviseth that if A. or B. surviveth her that then shee deviseth and bequeatheth to him and his heires her land, and afterwards shee entermarrieth with the said A. or B. there by taking of him to husband and coheir at the time of her death, the will is countermanded.

But if a Baronesse seised retaineth 2. Chaplains according to the Statute, and afterwards taketh one of the nobilitie to husband, and afterwards the husband dyeth, the retainment of those two Chaplains remaineth, and shee

Countermand.

Countermand, est quant chose executee par deuvant est apres par ascun act ou ceremonie frustrate & anient per le parties que ad ceo primes fait. Come si home ad fait son daraine volunt, per que il deuisse son terre al I. S. & puis il enseoffe auter home de mesme le terre, ore ceo seoffement est vn Countermand al volunt, & le volunt quauant al disposition del terre est void. Si feme seisie de terre en fee, fist sa volunten escript & per ceo deuise que si A. de B. luy surviuent que donque el deuise & bequeath a luy & a ses heires la terre, & apres el entermarie ou le dir A. de B. ore per prisel de luy a baton & couertur al temps de sa mort le volunt est countermand.

Mes si vn Baronesse widow retaine deux Chaplains, selonque le Statute & puis prist vn de nobilitie a baron, & puis le baron morust, le retainment de ceux deux Chaplains remaine, & els

The Exposition of

sans nouel retenir poient
prendre deux Benefices, car
leur retainer ne fust deter-
mine ne countermand per
ciel mariage.

Si feme fist lease a volunt,
& puis prist baron, ceo ma-
riage nest countermaund al
lease sans expresse matter
fait per le baron apres le
mariage a determiner le
volunt. Aury si lease soit
fait al feme a volunt, & el
prist baron, le lease con-
tinue nient obstant le ma-
riage & il nest countermand
al ceo.

Contract.

Contract est vn bargain
ou couenant perenter
deux parties, l'un vn chose
est done pur autre, que
est appel (*Quid pro
quo*), come si ieo vende
mon chival pur argent, ou
si ieo couenaune de faire
lease a vous de mon man-
nour de Dale, en conside-
ration de xx. li. que vous
dones a moy, ceux sont
bone contracts, pur ceo que
il ad vn chose pur autre.
Mes si vn home fait, paife
a moy, que ieo auers xx. s.
& que il voile este det-
tour, a moy de ceo, &
puis ieo demaunde xx. s.

without now retines may
take two Benefices, for
their retainer was not de-
termined nor counterman-
ded by such marriage.

If a woman maketh a
lease at will, and afterwards
taketh a husband, this ma-
riage is no countermaunde
to the lease without expresse
matter done by the husband
after the marriage to deter-
mine the will. Also if a lease
be made at will to a woman,
and she taketh a husband,
the lease continueth not-
withstanding the marriage
and it is no countermaund
thereunto.

Contract.

Contract is a bargain
or covenant betwixt
two parties, where one
thing is given for another,
which is called (*Quid pro
quo*) as if I sell my horse
for money, or if I covenant
to make you a lease of my
mannour of Dale, in con-
sideration of xx. li. that you
shall give me, these are
good contracts, because
there is one thing for ano-
ther: But if a man maketh
promise to me, that I shall
have xx. s. and that he will
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and hee will not deliuer it, yet I shall neuer haue any action to recover this twentieth shillings, for that that this promise was no contract, but a bare promise. And ex nudo pacto non oritur actio, but if any thing were given for the twentieth shillings, though it were not but to the value of a penny, then it had been a good contract.

& il ne vaille a moy deliuer, vncore ice nauera iammes action pur recouet cest xx. s. pur ceo que cest promise ne fuit contract, mes nudus pactus. Et ex nudo pacto non oritur actio, mes si ascun chose fuit done pur le xx. s. mesque il ne fuit forsque al value vn denier, donques il fuit bone contract.

Contra formam collationis.

Contra formam collationis.

Contra formam collationis is a writ, and it lyeth where a man hath given land in perpetuall times to any of the late houses of Religion, as to an Abbot, and to the Couent, or other soueraigne, or to the warden of a Hospital, and his Couent to find certaine poore men, and to doe other diuine service, if they alien the lands, then the donor or his heires, shall haue the said writ for to recover the land, but this writ shall be alway brought against the Abbot or his successor, and not against the Priuer, although that hee bee tenant, but in al other actions where a man demandeth

Contra formam collationis est vn Brieve, & gist lou home done terres en perpetual almoigne a ascun maison de Religion, come a vn Abbe & la Couent, ou auter soueraigne, ou al Gardien ou Master de ascun Hospital, & son Couent de trouer certain pouer homes, & de faire auter diuine service, s'ils alioient les terres, donques le donour ou ses heires, aueront le dit Brieve pur recouuer le terre, mes cest brieve sera tous foits port vers le Abbot ou son successeur, & nemy vers le alienec, coment que il soit tenant: mes en tous autres actions lou home demand

The Exposition of T

frankement, le brieffe
sera port vers le tenant del
terre. Vide le stat. *Westm. 2.*
cap. 41.

Contra formam feof- famenti.

CONTRA formam feoffa-
menti est vn Brieffe, &
gift lou vn home deuant le
Statute de *Quia emptores*
terrarum, quel fuit fait *An.*
18. Ed. le primer, infeoffe au-
ter per fait de faire certaine
seruice, si le feoffor ou ses
heires distraine luy de faire
auter seruice que est com-
prise en le fait, donques
le tenant auera cest Brieffe,
luy commaundant que il
ne distraine luy de faire au-
ter seruice, que nest com-
prise deins le fait, mes
cest Brieffe ne gift pur le
plaintife que clame per
purchase del primer feoffee,
mes pur tiel plaintife que
elaine come heire al primer
feoffee.

Contributione facienda.

CONTRIBUTIOE faci-
enda, est vn Brieffe, & gift lou
sont diuers Parceners, &
celuy que ad le part del
eigne, fait tout le suite al

frechold, the writt shall be
brought against the tenant
of the land. See the Statute
Westm. 2. cap. 41.

Contra formam feof- famenti.

CONTRA formam feoffa-
menti is a writt, and it
lyeth where a man before
the Statute of *Quia emptores*
terrarum, which was
made *An. 18. Ed.* the first
infeofed another by deeds
to do certaine seruice, if the
feoffour as his heires dis-
traine him to doe other
seruice than is compysed
in the deed, then the tenant
shall haue this writt, com-
maunding him that he dis-
traine not him to doe other
seruice, that is not compys-
sed within the deeds, but
this writt lyeth not for the
plaintife which claimeth
by purchase from the first
feoffor, but for such plain-
tife as claimeth as heire to
the first feoffor.

Contributione fa- cienda.

CONTRIBUTIOE faci-
enda is a writt, and it lyeth
where there are diuers
Parceners, and he which
hath the part of the eldest
doth make all the suite to the
Lord

Lord
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and if
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Lord, the heire ought to
make contribution to him,
and if they will not, he shall
sue against them the layde
writ. In some Cases the
heire shall have Contribu-
tion, and in others not, but
shall be alone charged: For
if a man be seised of thre
acres of land, and acknow-
ledgeth a Recognisance as
Baron, &c. and receiveth W.
of one acre, & B. of another
acre, and the third descends
to his heire, if execution bee
sued against the heire onely,
he shall not have contributi-
on against any Purchasor,
yet he is charged as terre-
tenant, and not as heire, for the
land, & not himselfe, is char-
ged. Yet if a man be seised
of 2. acres, the one of the na-
ture of bozough English, &
bindeth himselfe as before,
and dieth having issue two
daughters, which make par-
titish, in this case if the one be
charged she shall have contri-
bution, for as one purchasor
shall have contributish against
others, and against the heire
of the Conuise also, so one
heire shall have contributi-
on against another heire, for
they are in equal degree.
Also if a man be seised of his
land, & descendeth to the
heire of the part of the

Seignior, les autres
doient faire Contributi-
on a luy, & s'ils ne voy-
lent, il auera vers eux le
dit brieve. En aucuns cas
les le heire auera contribu-
tion, & en autres nemy,
mies sera seulement chargez
car si home soit seisi de troys
acres de Terre, & conuist un
recognisance ou statute, &c.
& enfeffe A. d'un acre, & B.
d'un autre acre, & le tierce
descend a son heire, si exe-
cution soit sue seulement vers
le heire, il auera contributi-
on vers aucun Purchasor, vn-
core il est charge come Ter-
re-tenant, & nemy come
heire, car le Terre, & nemy
luy mesme, est lie. Vncore si
home soit seisi d' deux acrs,
l'un de nature de Burrough-
English, & luy m come
deuant, & morust ayant Is-
sue deux filles, queux font
partition, en cest case si l'un
soyt charge, il auera contri-
bution, car sicome un
Purchasour auera contribu-
tion vers autres, & vers le
Heire le Conuise auxy,
issint un heire auera contri-
bution vers autre Heire,
car ils sont in equali
gradu. Auxy si heme soit
issint lie, & puis son mort
aucun de son terre dis-
cend al heire le part le

The Exposition of

pier, & ascun al heire del
 part le miere, lun solement
 ne serra charge, mes sil soyt
 il auera contribution. En
 Dower si le Tenant vouch le
 heire en Garde a troys seue-
 rall Seigniours, chescun ser-
 ra owelment charge. Si
 deux, quater, ou plusors
 homes soyent seuerallment
 seisie de Terre, & ils tous
 ioyne en vn Recognisaunce,
 en cest case le Conusee ne
 poyt extend le Terre del as-
 cun des Conusors solement,
 mes tous doyent ow-
 elment estre charge: Car
 coment que le Terre del Co-
 nusor mesme poyt estre
 solement extend quant di-
 uers homes, ont purchase
 ascun del Terre subiect al re-
 cognisaunce, pur ceo que le
 purchasour est en auer de-
 gree que le Conusor mesme:
 Vncore vn de les Conu-
 sours ne serra solement
 charge, car il estoit en
 owel degree oue les autres
 Conusours. Si iudgement
 soyt done vers deux Dissei-
 sours en Assise pur l' Terre &
 damages, & l'un disseisor mo-
 rust, l'excecuc' ne serra apard
 vers le suruiuing disseisor q
 fuit partie al qrt, mes cybien
 theyre comele disseisor serra
 owelment charge. Mes au-
 tement es en personall

father, and some to the heire
 of the part of the mother,
 the one alone shall not be
 charged, but if he be he shall
 haue contribution. In dower
 if the Tenant voucheth
 the heire in Ward to thre
 seuerall Lordes, each of them
 shall be equally charged. If
 two, four, or more men be
 seuerally seised of land, and
 they all ioyne in a Recogni-
 sance, in this case the Conu-
 sor cannot extend the Land
 of any of the Conusours
 alone, but all ought equally
 to be charged: for although
 that the Land of the Conu-
 sor himselfe may be onely
 extended when diuers men
 haue purchased any of the
 land subiect to the Recogni-
 sance, because that the Pur-
 chasor is in another degre
 than the Conusor himselfe:
 yet one of the Conusors shal
 not be solely charged, for he
 stands in equal degre with
 the other Conusors. If
 iudgement be giuen against
 two disseisors in Assise for
 the land and damages, and
 one disseisor dieth, the ex-
 ecution shall not be awarded
 against the suruiuing Dis-
 seisor, that was partie to
 the wrong, but as well the
 heire as the Disseisor shal
 be equally charged. And
 otherwise it is in personall
 binding

binding, as
 in an oblig
 charge shal
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 it is sayd,
 chasor shall
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 yallows
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 it ought to
 the partie
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binding, as if two are bound in an obligation, there the charge shall survive.

And in these cases where it is sayd, that the one purchaser shall have contribution, it is not thereby intended that the others shall give allowance unto him any thing by way of contribution, but it ought to be intended that the partie that is solely extended for all, may by an Audita querela or Scire facias as the case requires, defeat the execution, & thereby shall be restored to all the mean profits & force the consue to the execution of all the land, so in this manner every one shall be contributory, viz the land of every terre-tenant shall be equally extended,

lien, come si deux sont lie en vn obligac^{on}, la le charge survivra.

Et en ceux cases ou est dit, Que lun purchaser auera contribution, nest per ceo entend, que les autres donneront ou alloweront a luy ascun chose per voy de Contribution, mes doyt estre entendre, que le partie que est soleme^{nt} extend pur tout, poet per Audita querela ou Scire facias, come le case require, defeat l'execution, & per ceo serra restore a tous le mesme profits, & chaser le Conusee de suer execution de tout le fre, issint en cest maner chescun serra contributorie, cestascauire, le terre de chescun terre-tenant serra owelment extend.

Copyhold.

Copyhold.

Copyhold is a tenure for which the Tenant hath nothing to shew but the copies of the Rolles made by the Steward of his Lord's Court: for the Steward as he enrolleth and maketh remembrances of all other things done in his Lord's court, so he hath also of such Tenants as he admitteth in

Copyhold est vn Tenur pur que le Tenant ad riens a monstrier forsque les Copies des Rolles fait per le Seneschal del Court son Seigneur: car le Seneschal sicome il enrolle & fait Memorandums de tous autres choses en faites en le Court le Seigneur, issint il auxy fait de tiels tenants que sont admittes en

le Court a ascun parcel de terre ou tenements apperteynant al mannour, & lettran script de ceo est appel l'court rolle, le copie de que le Tenant prist de luy, & deiont come son sole evidence, *Coh. lib. 4. fo. 25.* Cest tenure est appel Base tenure, pur ceo que tient al volunt le Seignour: *Kitchen fo. 80. F.N.B. fol. 12. b. c.* que la dit, que suit accusome destre appel Tenure en Villenage, & q cest copihold nest forsq; vn nouel nosme: Vncore nest mecrement al volunt le Seignour, mes accordant al custome del Mannour, issint q si vn Copiholder ne pas enfreint le custom del manor, & p c' forfeit son tenure, ne semble tant destroier al volunt son seignior pur son droit, come destre diffieu quant a luy pleist. Les customs de manors sont infinite, variant en vn poynt ou aué fer' e chesc' seüal manor.

Primment ascun copyhold e fineable, & ascun certein: ceo que est fineable, le Seignour assesse a quel fine que il voyle quant le tenant est a ceo admit; ceo que est certein est vn sort d'heritaunce, & appel en plufors lieux, customary, pur ceo que le Tenant morant, & le tenure effeant voyd, le prochein du sangue

the Court, to any parcel of land or tenements belonging to the manor, & the transcript of this is called the Court roll, the copy whereof the tenant taketh from him, & knoweth as his only evidence, *Co. l. 4. f. 25.* This tenure is called a base tenure, because it holdeth at the will of the lord, *Kyt. fo. 80. F.N.B. fo. 12. b. c.* who there saith, That it was wont to be called Tenure in Villenage, and that this Copihold is not a new name: Yet it is not simply at the will of the lord, but according to the customs of the manor, so that if a Copiholder break not the Customs of the manor, & therefore forfeit his tenure, he loseth not so much to stand at his lord's courtesie for his right, as to be displaced where he pleaseth. The Customs of manors are infinite, varying in one point or other almost in every several manor.

First, some Copihold is fineable, and some certaine: that which is fineable, the lord rateth at what fine he pleaseth, when the tenant is admitted into it: that which is certaine, is a kind of inheritance, & called in many places, customary, because that the tenant dying, & the lord being dead, the next of blood

paying the cannot be admitted.

Secondly, some have been given to the crown land they cannot hold by the domain, & by copy, & tenure of freehold, & one common hath the power in case of others hold called mortuary, they commit presently lord of the

After the 44th of Henry, the court roll is written tenement, or tenement, or, that memorie of customs of the manor be written in the same in the records; by the copy the custom of the manor, by the will of the

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paying the customarie fine, cannot be denied to bee admitted.

Secondly, some copyholders haue by customs the lands growing upon their own land which by the law they cannot haue.

3 There are copyholders that hold by the vierre in antient demesne, & although they hold by copy, yet they are in nature of freeholders, for if such a one commit felony, the King hath the pers. day, & waite, as in case of freehold. Some others hold by common tenure called mere copyhold, and if they commit felony, their land presently escheateth to the Lord of the Manor.

Master West, pt. 1. lib. 2. sect. 646. defines a copyholder thus, Tenant by Copie of court roll is he which is admitted tenant of any lands or tenements within a manor; that time without the memorie of man, by vse and customs of the said Manor, haue bin diuisible & demisable to such as will take the same in fee, fee tail, for life, for years, or at will, according to the customs of the said Manor, by Copie of Court roll of the same Manor.

payant le customarie Fine ne poit estre denie de estre admit.

Secondement, ascun Copyholders ont per custome le boys crescant sur leur fre demesne, quel per le ley ils ne poient auer.

Tiercement, la sont copyholders que tient per l' Verge en antient demesne, & nient obstant ils tient per Copy, vncore ils sont en nature de Franktenants, car si tiel hōe fait felony, l'roy ad anjour, & vaist, cōeen case d' franktenement. Ascun auters tient per common tenure appelle mere Copyhold, & s'ils commit Felony, leur fre iammes eschea al Sñr del Manor.

Monsieur West, part. 1. li. 2. sect. 646. issint define vn Copyholder, Tenant per Copie de Court roll est celuy que est admis tenant d'ascun fies ou tenements deins vn Man que temps ouster le memory du home, per vse & custome del dit Manor ont estre diuisable & demise a tiels q pnderont mesme en fee, fee tail, pur vie, ans, ou a volunt accordant al custome del dit manor, p copie de courtroll, de mesme le Manor.

The Exposition of

Conusance.

Conusance de plea est vn priuiledge que vn Citie ou Ville ad del grant le Roy, de tener pleade toute Contracts, & des terres deins le precinct del Franchise, & qnt aucun home est impleade par aucun tiel chose en le Court le Roy al Westminster, les Maiors ou Baylifes de tiels Franchises, ou leur Attornies poyent demander conusance del plece, cest a sauoir, Que le Plece & le mati serra plead & determine deuant eux.

Mes si le Court al Westminster soit loyalment seise del Plece, deuant que Conusance soit demand, donques ils ne aueront conusance par cest suit, p ceo que ils ont negligentment surcease leur temps de demander ceo, mes cest ne serra barre al eux dauer Conusance en autre action, car ils poyent demad Conusance en vn Action, & omit ceo en vn autre action a leur pleasure.

Et nota, que Conusance ne gist en prescription, mes ils couient monstre Lettres Patents le Roy pur ceo.

Conusance.

Conusance of plea is a priuiledge that a Citie or towne hath of the R. grant, to hold plea of all contracts, & of lands within the precinct of the franchise, & that whē any man is impleaded for any such thing in the court of the R. at Westminster, the Mayors or Bayliffs of such franchises, or their Attornies may aske conusance of the plea, that is to say, That the plea and the matter shall be pleaded and determined before them.

But if the court at Westminster be lawfully seised of the plea, before conusance be demanded, then they shal not haue conusance for that suit, because they haue negligent-ly surceased their time of demand thereof, but this shal be no barre to them to haue Conusance in another action, for they may demand conusance in one Action; and omit it in another Action at their pleasure.

And note, that conusance lieth not in prescription, but it behooueth to shew the R. Letters patents for it.

Corage.

Coraage.

Coraage is an imposition extraordinary, & growing upon some vniuersall occasion, and it seemeth to be of certain measures of Cozne: Bract li. 2. ca. 16. nu. 6. bleseth these wordes, *Corus tritici* to be a measure of Cozne, and in the Chapter, *Stimber 8.* hath these wordes, There are certain common Prestations which are not called Seruices, neither doe they arise from Custome, vnlesse some necessarie occasion happen, or that the King commeth, such as are Hidage, Coraage, and Caruage, and many others which are performed in cases of necessitie, by the comon consent of the whole Kingdome, & which appertain not to the Lord of the fee, neither is he bound to acquite his tenant thereof, vnlesse hee hath specially tied himselfe thereunto by his owne Deed.

Coraage.

Coraage est vn imposition nient ordinarie & fondue sur aucun nient vsual chose, & semble deſtre de certaine mesures de Graine: *Bracton Lib. 2. Cap. 16. num. 6.* vse ceux parols, *Corus tritici* deſtre vn mesure de Grain: & en meſme le Capiter, *Nu. mero 8. ad ceux parols, Sunt enim quedam communes prestationes, qua seruitia non dicuntur, nec de consuetudine veniunt, nisi cum necessitate intervenierit, vel cum Rex venerit, sicut sunt Hidagia, Coraagia, & Caruagia, & alia plura de necessitate, & ex consensu communi totius regni introducta, & qua ad dominum feudi non pertinent, & de quibus nullus tenetur tenentem suum acquietare, nisi se ad hoc specialiter obligauerit in charta sua.*

Cornage.

Cornage is a kinde of grand Seruientie, the seruice of which tenure is to blesse en l'hoys l'hoys

Cornage.

Cornage, est vn sorte de Graunde Sergeantie, le seruice de quel Tenure est de ventier vn cornu quant aucun

The Exposition of

ascun inuasion des enemies
del pays artique est descrite:
Et per ceo. plusieurs hōes tien-
dront leur tre en les ptes sep-
teentrionale enuiron le pariet
communement appel le pariet
des Pictz, *Camb. Brit. p. 609*

Vic Littleton fol. 35. Ou
dit, Que en le Marches de Es-
sece ascuns teignout del
Roy p Cornag, cest assauoir,
p ventier vn Cornu, purgar-
ner homes de pays, quant ils
oyent, que enemies veignent
ou voilont enter en Engle-
terre, quel seruice est Grand
Serieantie.

any inuasion of the Roys
therne enemy is perceived.
And by this many North-
ward hold their land, about
the wall commonly called
the Pictz wall, *Camb. Brit.
p. 609.*

See Littleton fol. 35.
Where he saith, That in the
Marches of Scotland some
hold of the King by Cop-
nag, that is to say, for warn-
ing a horne to warn the
Countrey when they hear
that the enemies will come,
or will enter into England,
which seruice is Granda
Serieantie.

Corodie.

Corodie est vn allowance
de meate, pane, boyer,
argent, vestments, lodging,
& tiels choses necessarie pur
sustenance: ceo ascun foyts
est certain ou le certainty des
choses est limit, ascun foyts
vncertain, lou nest limit
le certainty que il auer.

Et ascun de eux commence
per Graunt faye, per ascun
home al auter, & poet estre
purvie, ans, en taylor, ou
fee, & ascun corodies, sont

Corodie.

Corodie, is an allowance
of meat, bread, drink, wo-
ney, cloathing, lodging, and
such like things necessary
for sustenance: It is some-
times certain, where the cer-
taintie of things is set
downe, sometimes uncer-
taine, where the certainty of
things is not set downe
which he shall haue.

And some of them begun
by graunt made by one man
to another, and it may be
for life, years, in taylor, or in
fee, and some Corodies are
of

of common right, as euery
founder of Abbeyes, Pri-
ories, Nunneries, & other
houses of Religion had au-
thoritie to assigne such in
the same house, when they
were standing, for Father,
Mother, Cousin, or other
man that he would appoint
should take it, if it were a
house of Monkes and if hee
were founder of a house of
Nunnes, or women, then
for his Mother, Sister,
Cousin, or other woman
that he would direct thither:
and alwaies this was pro-
vided for, That he that had
a Corodie in a house of
Monkes, might not send a
woman to take it: For
where Corodie was due in
a Nunnerie, there it was
not lawfull to appoint a mā
to receive the same, for in
both cases such presentatiō
was to be rectified. And this
Corodie was due as wel
to a common person that
was founder, as where
the King himself was foun-
der: But where the house
was helpe in Frankalmoin,
there the Tenure it selfe
was a discharge of Corodie
against all men, except it
were afterward charged
voluntarily, as when the
King would send his writ
to the Abbot for a Corodie,

de common droit, sicome
chefe Founder de Abbeyes,
Priories, Nunneries, & auis
measons de Religion Papi-
sticke, auoyent authoritie
d'assigner tiel en m les mea-
sons quant ils fueront, par
son Pere, Frere, Cousin, ou
auter home que il voit, que
predroit ceo, sil fuit vn mea-
son de Moignes: Et si il
foit Founder del meason de
Nunnes, ou muliers, donqs
ceo pur sa Mere, Soer, Cou-
sin, ou auter mulier que il
voile direct al ceo, & tous
iours cest prouiso fuit ewe,
que il que ad Corodie en vn
meason de Moignes ne duit
mitter vn feme de prender
ceo: Ne ou Corodie fuit due
en vn Nunnerie, la il ne fuit
loyal de appointer vn home
de receiuer ceo, car en am-
bideux cases tiel presentati-
on fuit deste reiect. Et cest
Corodie fuit due cybien a
vn common person que
fuit Founder, sicome ou
le Roy mesme fuit Foun-
der: Mes ou le meason fu-
it tenu en Frankalmoigne,
la le Tenure mesme fuit vn
discharge de Corodie en-
conter nouts homes, si on
que il fait apres charge
voluntariment, come ou le
Roy voit mitter son Briefe
al Abbe pur vn Corody,
pur

The Exposition of

pur vatuel, le que ils admit,
Ja le meason doit este charge
per ceo a tous iours, si le
Roy soit founder ou nemy.
Veles Brieve de Corodio ha-
bendo en Fitz. Natura pre-
mium. fol. 230.

for such a one, whom they
admit, shere the house shoud
be therby charged for ever,
whether the King were
founder or not. See the
Writs of Corodio habendo
in Fitz. Nat. Br. fol. 230.

Coroner.

CORONER est vn ancien
Officer de trust, & de
graund authoritie, ordeine
deste vn principal Conser-
uator, ou Gardian de le
Peace, a porter record des
Plees del Corone, & del son
view demesne, & de diuers
autres choses mult en num-
ber, &c. & pur ceo en temps
le Roy Edward le primer,
cest estatute sequens fuit
fait: Pur ceo que petit gentes
meins sages soyent eslieus
ore de nouel communement
al Office del Coroner, ou
mestier serroit que probes
homes, loyals, & sages se
entremellant de cel Office,
purview est, Que per tous
les Counties soyent eslieus
sufficient homes Coroners,
de pluis loyals & pluis sages
Chualers, que mieulx sa-
chant, puissent, & voient a
cel Office entendre, & que
loyalment attachent & re-
presentent les Plees del Co-
rone.

Coroner.

CORONER is an ancient
Officer of trust, and of
great authoritie, ordained to
be a principall Conservator
or keeper of the Peace, to
bears record of the Plees of
the Crowne, and of his
owne sight, and of diuers
other things, many in num-
ber, &c. And therefore in
the time of H. Edward the
first, this Statute following
was made: Forasmuch as
meane men and undiscern-
now of late are commonly
chosen to the Office of the
Coroner, where it is requi-
site, that wise men, lawfull,
and able, should occupy such
Offices; it is provided,
That though all shires,
sufficient men should be
chosen to be Coroners, out
of the most wise and dis-
creetest knights, which best
know, could, and would at-
tend this Office, and which
faithfully made and repre-
sented the Plees of the
Crowne,

And

And although the latter of this Statute be not precisely observed, yet at the least the intent should be followed, as high as might be, that for the default of Knights, Gentlemen furnished with such qualities as the Statute setteth downe (of which sort there be many) might be chosen with this addition, that they be virtuous and good known Christians. See herof in the *Writ de Coronatore eligendo*, in *Fitz. Natura Breuium*, fol. 163.

When the Coroner is to enquire of the death of any person, or to doe other thing concerning his Office, hee ought to doe it in person: and upon the suddaine death of any one, hee himselfe ought to see the dead body when he maketh inquirie, or otherwise the inquirie is not good: for if hee will enquire of any dead person without this, this is without authority, and so void. And if the bodie be buried before his coming, hee ought to record it in his Rolles, to the intent that the Towne where the burying was, should be amerced for it before the Justices in Eyre, upon the right of the Coroners Rolles.

Et nient obstant le Letter de cest estatute ne soit precisement observee, vacore al meins le entent doit estre pursue, cy pres come poit, issint que pur le default des Chivaliers, Gendehomes, furnished oue tiels qualites sicome le Statute parle (de que ils y ad diuers) poyent estre esliu, oue cest addition, que ils soyent vertueux & bone connus Christians. Veies de ceo en le Brieft de *Coronatore eligendo*, in *Fitz. Natura Breuium*, fol. 163.

Quant le Coroner est à enquirir del mort d'aucun peison, ou faire autre chose cōcernant son office, il doiet ceo faire en person: Et sur le subit mort d'aucun, il mesme doit veyer le mort corps, quant il fait enquirie, ou autrement l'enquirie n'est bone: car sil voyer enquirir d'aucun mort person sans luy veyer, cest sans authoritie, & issint void. Et si le corps soit enterre deuant son venu, il doit ceo recorder en ses Rolles, al entent que le Ville ou l'enterrement fuist fait, sera amercie par ceo deuant les Iustices en Eyre, sur le vieu des Rolles del Coroner.

Et

The Exposition of

Et nient mains le Coroner doit defouir le corps hors del terre, & prendre l'enquie sur viewe del corps, come il serroit sil nauoit este enterre: & la Ville scri aux amerce, sils ne luy enterront, eins suffront luy giser sur la terre a putrefaction ou grande ordeur, sans mander al Coroner. Et si le Coroner soit remisse & negligent en venir a faire son Office, apres que les Baylifes ou homes de pais ont mande par luy, il sera punie. Coment per le Ley que Coroner ne puit enquirir d'aucun felonie, fors que de mort de home, tamen ad este dit, que en Northumberland ils enqueront de tous Felonies: Mes l'authorite ils maintiennent per prescription. Si home soit occise ou merge en les braches ou sauses del Mere, lou home poit veier terre d'un part & d'autre, le Coroner inquirera de ceo, & nemy Admiral, p'c' que le pais poit bien de ceo auer conissance.

Mes le Coroner del Hostelle Roy ad vn exemptiurisdiction deins le Vierge, & le Coroner del Countie ne poit entremedde deins ceo, sicome le Coroner del

And neuertheless the Coroner ought to viewe the body out of the ground, and take the enquire upon the viewe of the body, as he should doe if it had not bene buried: and the Coroner shall also be amerced, if they doe not burie it, but suffer it to lie on the ground to putrefie or stinke, without sending to the Coroner. And if the Coroner be remisse & negligent in coming to doe his office, after that the bailiffs or Countrey men haue sent for him, he shal be punished. Although by the Law the Coroner cannot enquire of any felonie, but the death of a man, yet it hath bene sayd that in Northumberland they enquire of all felonies: but this authoritie they maintaine by prescription. If a man be killed or drowned in the arms or sauses of the Mere, where a man may see land from the one part to the other, the Coroner shall enquire thereof, and not the Admirall, for that the Countrey thereof may well haue knowledge.

But the Coroner of the Hostelle hath an exemptiurisdiction within the verge of the Coroner of the Countie cannot entremede with in the Coroner of the

hous, cannot intermeddle within the Countie out of the Vierge.

At the demandant or plaintiffes non suite, or if judgment be given against the tenant or defendant of such like, the Justices neuer assesse any amerciaments but the Clerke of the Court, wheth estreats there of, and deliver them to the Clerkes of Bisse within every circuit, to deliver them to the Coroners in every countie to assesse or assesse the amerciaments; because they are thought most indifferent, forasmuch as they are chaff by the whole Countie.

If an apponer saith that he began his appeals before the Coroner by duress; this shall be tried by the Coroner, and if the Coroner denieth it, the apponer shall be hanged. By which cases it appeareth, That the Law giveth much credit and authority to Coroners.

Corporation.

Corporation is a permanent thing that may have succession: But it is not a family and is not together of many into one fellowship, brotherhood, and

hostel ne poit entermeddle deins le Countie hors del Vierge.

Si le demandat ou plaintif soit nonsuite, ou si jugement soit done vers le tenant ou defendaut ou semblables, les Justices ne vauques asselleront aucun amerciamment, mes le Clerkes des gartants fait estreats de eux, & deliuer eux aux Clerkes d'assise deins chescun circuit a deliuer eux al Coroner en chescun countie d'assiser ou asseller l'americiaments; par ceo que ils sont pense plus indifferent, entant que ils sont elect per tout le Countie.

Si vn approuer dit que il commedice son appeal deuant le Coroner per duress, ceo sera trie per le Coroner, & si le Coroner ceo denie, l'approuer sera pendus. Per quex cases il appiert, Que le Ley done grand credance & autoritie al Coroners.

Corporation.

Corporation est vn chose permanent que poit auer succession: Et est vn assembly & loyning ensemble de diuers en vn fellowship, fraternite, &

The Exposition of

ment, de que vn est le teste & principal, les autres sont le corps, & cest teste & corps ioynt ensemble sont le Corporation. Et de Corporations, ascuns sont appellees spirituels, & ascuns temporals, & de ceux que sont spirituels ascuns furent Corporations de mort persons en Ley, & ascuns autrement, & ascuns sont p authoritie del Roy solement ascuns ont estre d'un mixt authoritie.

Et de ceux queux sont temporal, ascuns sont per authoritie de Roy auxy, & ascuns per le Common Ley del Roialme.

Corporation Spiritual, & de mort persons en le ley, est lou le Corporation consist d'un Abbe & Couent, & ceux ont leur commencement del Roy, & le hom d Rome quant il y ad a fayre cy.

Corporation Spiritual & del able persons en Ley, est lou le Corporation consist d'un Deane & Chapl, Master del Colledge ou Hospital, & cest Corporation ad commencement de Roy solement.

Corporation Temporal p le Roy est vn Maior & Communitie.

Corporation Temporal

mind, whereof one is head and chiefe, the rest are the body, and this head and body knit together, maketh the Corporation. And of Corporations, some are called spiritual, and some temporal, and of those that are spiritual, some are Corporations of dead persons in Law, and some otherwise, and some are by the authority of the king only, and some have borne of a mixt authority.

And of those that are temporal, some are by the authority of the king also, and some by the common Law of the Realme.

Corporation Spiritual, and of dead persons in the law, is where the Corporation consisteth of an Abbot and Couent, and that had beginning of the king, is the man of Rome when he had to doe here.

Corporation Spiritual, and of able persons in law, is where the Corporation consisteth of a Deane and Chapter, Master of a Colledge or Hospital, and this Corporation had beginning of the king only.

Corporation Temporal by the king, is where there is a Mayor & Community, and Corporation Temporal

by

by authoritie of the Common Law, turbe assemblee in Parliament which consisteth of the King, the house of the Corporation, and of the Lord Spiritual & Temporal, and the Commons of the Realme, the body of the Corporation.

Bodies politique.

Bodies politique are Bishops, Abbots, Priors, Deanes, Parsons of churches, and such like, which have succession in one person only.

If Land be given to a Bishop & Communitie for their uses, they have an estate by indentment not determinable. So it is if a tenement be made of Land to a Deane and Chapter, without speaking of successors. Likewise of a Bishop for any summe of money due to the corporation in his own name, is not good in Law. In case of a sole Corporation, as Bishop, Parson, Vicar, Master of hospital, &c. no Chattell either in action or possession shall go in succession, but the executor or administrators of the bishop parson, &c. shall have the same as the heir of a private

per authoritie del Common Ley, est le assembly en Parliament, le quel consist del Roy, le tette del Corporation, & des Seignours Spirituals & Temporal, & les Commons del Royaltie, le corps del Corporation.

Corps politique.

Corps politique sont Euesques, Abbes, Priors, Deanes, Parsons d'un Eglise, & tiels semblables, queux ont succession en une person solement.

Si terre soit donee al Maior & Communitie pur leurs vies, ils ont estate per entendement nient determinable. Siint est si seoffement soit fait de Terre al Deane & Chapter, sans parlance de successeurs. Release d'un Maior pur ascun summe d'argent due al Corporation en son nomme demesne, n'est bone en Ley. En case d'un sole Corporation, ou corps Politique, come Euesque, Parson, Vicar, Master de Hospital, &c. nul Chattell ou en action ou en possession alera en succession, mes les executors ou administrators del Euesque, Parson, &c. eux ains nient plus q le h're d'un private

homme peut eux auer, par suc-
cession en corps politique,
est enheritance en case d'un
Corps priuè. Mes auer-
ment est en case d'un Cor-
poration aggregate de plu-
sieurs, come Doane & Chap-
ter, Maior & Comtinaltie
& semblables, car la ils en
Iudgement del Ley ne vn-
ques deuient. Vncore le case
del Chamberlaine de Lon-
dres differt de tous ceux,
& son successor poit en son
nomme de mesme auer execu-
tion d'un Recognisance co-
nuist a son predecesor pur
Orphanage money, & le
raison est, pur ceo que ne
cest case le Corporation del
Chamberlaine est per Cu-
stome, & mesme le Cu-
stome que ad luy create &
fait vn Corporation en suc-
cession, quant al dit special
purpose concernant Orpha-
nage, mesme le Custome ad
enable le successor a prender
tels Recognisances, Obli-
gations, &c. que sont faits
a son predecesor. Et tuel
Custome est foudue sur
grand raison, car les execu-
tors, ou administrators del
Chamberlaine ne doient en-
termeddle oue tels Recog-
nisances, Obligations, &c.
queux p le dit Custome sôt
prise en le corporat capacite

man can haue them, for suc-
cession in a Body politike
is an inheritance in case of
a Body priuate. But auer-
ment is in case of a Cor-
poration composed of many
as a Doane and Chapter,
Mayor and Comtinaltie,
and such like, for they they
in Iudgement of the Law
neuer die. Yet the case of the
Chamberlaine of London
differeth from all these, and
his successor may in his
own name haue execution
of a Recognisance acknow-
ledged to his predecessor in
Orphanage money, and the
reason is, because that in
this case the Corporation
of the Chamberlaine is by
Custom, and the same cus-
tome that hath created him
and made a Corporation in
succession, as to the said spe-
cial purpose concerning Or-
phanage, the same Custom
hath enabled the successor
take such Recognisances,
Obligations, &c. that is
made to his predecessor.
But this Custom is foun-
ded upon great reason, for
the executors or administra-
tors of the Chamberlaine
ought not to intermeddle
with such Recognisances,
Obligations, &c. which by
this Custom are taken
in the corporate capacite

of the Chamberlain, & not
in his private. But a Bish
shop, Parson, &c. as any sole
corporation that has bodies
politique by prescription,
cannot take a Beneficence
or Obligation but only to
their point, and not in their
politique capacity, for they
have Customs, so as to a
Chattel in their politique or
corporate capacity.

Corruption of blood.

Corruption of blood is
when any is deprived
of being or Creation, then
his blood is said to be cor-
rupt; by which he cannot
be heir, nor any of his
Issue, cannot be heir to
him, nor to any other of his
Issue, to which they ought
to inherit by him. But if he
leave a Heir by Will, or
otherwise, he may still be
heir to his Heir, though
his blood be corrupt. And
this is the reason why the
Issue of a man who is
deprived of blood, is not
deprived of blood, but is
heir to his Heir, though
his blood be corrupt.

del Chamberlain, & nemy
en son private. Mes Euesque,
Parson, &c. ou aucun sole
Corporation q sont Corps
politique per prescription, ne
poyent pnder Recognizance
ou Obligation, mais seulement
a leur priuete; & nemy en
leur politique capacity, car la
faute custome a pnder Char-
tel en leur politique ou cor-
porate capacity.

Corruption de sang.

Corruption de sang est
quant aucun est attaint
de Felonie ou Treason, don-
ques son sang est dit de-
corrupt, per raison de quel,
ses enfans, ne aucun de son
sang ne poyent estre heirs
a luy, ne a aucun autre suc-
cessor, par ceo que ils doyent
chaine per luy. Et si luy
Noble ou Gentle home de-
saut, il & tous ses enfans
percees sont faits ignoble &
vngentile, ayant regard al no-
bilité ou Gentrie ils clayme
per leur per, que ne poit estre
fait sans auctorite de Grant le
Roy, sans auctorite de Par-
liament.

Mes si le Roy voide par-
don le offendant, il voyle
purger le corruption del
sang des heirs. Il nuyt
queux

quex sont nec pds le pardon, & ils poyent inherite le Terre de leur ancessor, purchaſe al temps du pardon, on apres, messissent ne poyent ils quex fussent nec deuant le pardon. Aussy il que cest atint de Treson, ou Felonie, ne sera heyre a son pere: Mes cest disabilitie choyera auters desir son heyre, issint que durant son vie le Terre potius escheatera al Seignior del Fee, que descend al autr.

Mes si il queest attainte,
moult sans issue de son
corps, durant le vie son An-
ceſſeur, donques le puisne
Frere, Soer, ou Cousin in-
heritera : Car si leigne firs soit
pendus, ou abius la Terre,
pur Felonie, durant le vie le
Pere il n'est impediment mes
que le puisne firs puis inheri-
tes, 27. Edw. 3. 77. Et si que
est attainte de Treason ou
Felonie, en le vie de son an-
ceſſeur, purchaſe le pardon
le Roy deuant le mort son
Auceſſeur, encore il se fera
heyrer al dit Auceſſeur, mes
le Terre potius escheatera
al Seignieur del Fee par le
corruption del fante, 25.
Aff. placit. 2. Mes si leigne
firs soit Clarke conuict en
le vie son Pere, es pays
de Piece moult, et cest

which he begins: after the
 sheweth, and they may ex-
 rine the Land of their Man-
 they concluded at the time of
 the shewen, and afterwards,
 but in cannot they which
 fore he was before the shew-
 den. With he that in minis-
 try of freedom or felony shall
 not be bound to his Master:
 but their usefulness shall
 be of such to be born, as
 during his life the land shall
 rather oblige to the Lord of
 the free, than suffer an-
 other.

[illegible]

[illegible]

Si home seisse de Terre ad
issue deux firs, & leynge est
atrain en le vie son piere de
Felonie, & par ceo execute,
ou autrement morust d'un
sant le vie de son piere, &
puile pere morust seisse del
Terre, le terre disendra al
pluine fir, come heyre a
son piere, & leigne fir
nad issue donques en vie.

ruption of blood. In the
same manner in the Sta-
tute of 18. Eliz. cap. 1. 1. Jac.
cap. 1. 1. Mar. cap. 12. en-
counter illoyal assemblies: & 5.
Eliz. cap. 14. encounter le for-
ger de faits: & le Statute de
31. Eliz. cap. 4. encounter le
embeasling. L'ordenance
Armour, & Artillerie, le
Roi.

Corse present.

Corse present are summes
signifying a Mortuary,
and the reason why the
Mortuary is so named, for
most so, because that
where a Mortuary is
found to be due, the body of
the dead dead is according
to the Law of customs, offer-
red or presented to the
Priest, & in An. 21. H. 8. c. 6
where among other things
it is enacted, that no Corse
Present, nor any sum of money
or other thing, for
any Mortuary or Corse pre-
sent, shall be demanded, but
the priest, or other person, who
shall demand the same, shall
be deemed to be a felon, and
shall forfeit his life, and the
land where the same is due, and
shall be liable to the same as
a felon.

ruption de sanke. En mesme
le maniere est del Statute de
18. Elizabeth: cap. 1. 1. Jacobi,
cap. 1. 1. Mar. cap. 12. en-
counter illoyal assemblies: & 5.
Eliz. cap. 14. encounter le for-
ger de faits: & le Statute de
31. Eliz. cap. 4. encounter le
embeasling. L'ordenance
Armour, & Artillerie, le
Roi.

Corse present.

Corse present sont paroles
signifiant un Mortuarie,
& le raison pur que le Mor-
tuarie est ainsi appel, semble
desire pur ce, que on ne
Mortuarie soloit desire, d'un
le corps del meux des auers,
sunt selonque le Ley ou Cu-
stome, ou on present al
Priestre. Vies Anno 21. H. 8.
cap. 6. ou enter auter choses
est ena, Que nul Mortuary
ne Corse present, ne aucun sum
ou sommes d'argent, ou au-
ter chose, par aucun Mortua-
rie ou Corse present, ne de-
mand, prise, receue, ou ad-
mes solent en tiels lieux
& Villages Mortuarie ont
estre deue, ne desire pris
& paye, ne nul autre.

et paye, ne nul autre.

And Couenants are either in Law or in Fact, Coke Lib. 6. fol. 30. *ap.* Couenants expresse, *ap.* Couenants in Law, Coke Lib. 6. fol. 17. A Couenant in Law is that which the Law intendeth to be done, although it be not expresse in words: as if a man doth any thing or saith any word, for a certain time, the Law intendeth a Couenant of the part of the lessee, that the lessee shall hold all his time against all lawful incumbrances. Couenant in fact is that which is expressly agreed betwixt the parties. *102. 140. 141.*

There is a Couenant merely personal, and a Couenant real. Fitzherb. *Natura Brevium*, fol. 145. and he seemeth to say, that Couenant real is whereby a man tyeth himself to passe a thing real, as land or tenement, and a Couenant to lease a fine of land: Couenant merely personal only, that is, to do or to suffer a man's duty, such as a man's duty, as to build a house, or to manure his land, or to do the duty of a knight, the duty of a priest, or the duty of a citizen. *102. 140. 141.*

Et Couenants sont ou en Ley ou en Fayt, *Coke, Lib. 6. fol. 30.* ou Couenant expresse, & Couenant en Ley, *Coke, Lib. 6. fol. 17.* Vn Couenant en Ley est ceo que le Ley entend estre fait ni ent contristeant que en parols ne soyt expresse: Come si home demise vn chose al auter, pur vn certayn terme, le Ley entende vn Couenant del part le Lessee, que llessee tiendra toute son terme en cont tout loyal encumbrances. Couenant en fait est ceo q'expressement est agreee par les parties.

Auxy la est Couenant mecrement personal, & Couenant real, *Fitzherb. Natura Brevium*, fol. 145. & il semble adire, Que Couenant real est per que home luy oblige de passer vn chose Real, come Terres ou Tenements, sicome Couenant d'leuer vn fine de Terre: Couenant mecrement personal en confiso, est ou home couenant oue aut y fait, de deffier vn meson, ou de seruer luy. Veyes le reuel leure de *Entries*, ver. *bo Couenans*.

Mes nota bien, Que sul Briefe de Gouvernant: serra main.

And
they in
Lib. 6. fol. 30. *ap.*
expresse, *ap.*
in Law, *Coke Lib. 6. fol. 17.*
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which the Law intendeth to
be done, although it be not
expresse in words: as if a
man doth any thing or saith
any word, for a certain time,
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his time against all lawful
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tura Brevium*, fol. 145.
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passe a thing real, as land
or tenement, and a Coue-
nant to lease a fine of land:
Couenant merely personal
only, that is, to do or to
suffer a man's duty, such
as a man's duty, as to
build a house, or to manure
his land, or to do the duty
of a knight, the duty of a
priest, or the duty of a
citizen. *102. 140. 141.*

Et Couenants sont ou
en Ley ou en Fayt, *Coke,
Lib. 6. fol. 30.* ou Coue-
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nant d'leuer vn fine de
Terre: Couenant mecrement
personal en confiso, est
ou home couenant oue
aut y fait, de deffier vn
meson, ou de seruer luy.
Veyes le reuel leure de
Entries, ver. *bo Coue-
nans*.

Mes nota bien, Que
sul Briefe de Gouvernant:
serra main.

The Exposition of

inmaintenable sans especialty,
sion en le City de Londres,
ou en ascun autre tiel lieu,
pruileige per custom & vs.

Cohabitation.

Cohabitation est quant vn
home & vn feme sont
espouse ensemble, ore ascun
chose que est fait concer-
nount la feme en le temps
de le continuance de cest
mariage perenter eux est
dit dedre fait durant le co-
uerture, & le feme espouse
est appel vn Femes Couert,
& per ceo disable de contra-
cter oue ascun al preiudice
de sa mesme ou sa Baron,
sans son consent ou priuie,
al meins sans son allow-
ance ou confirmation. Vies
Brooke cest Tiele. Et Bracton
dit, Que tous choses que
sont la Femmes, sont le Ba-
rons, nec ad la feme poyr
de sa mesme, mes le Baron,
Lib. 2. cap. 15. & que le Baron
est le teste la feme, *Lib. 4.
cap. 24.* & ad ce que en ascun
chose legal, el ne poyt re-
sponder sans sa Baron, *Lib. 5.
TraB. 1. ca. 3.* Et si le Baron
alien le terre sa feme du-
rant le couerture, el ne poyt
ceo dedre en le vis sa Ba-
ron.

inmaintenable without espe-
cialty, but in the city of Lon-
don, or in some other place
privileged by custom & vs.

Cohabitation.

Cohabitation is when a man
& a woman are mar-
ried together, made together
more to be concerned in the
state in the time of the con-
tinuance of their marriage
between them, so far as
he is bound during the Cohab-
itation, and the wife is called
a woman covert, and there-
by is disabled to contract
with any one, to the prei-
udice of herself or of her hus-
band, without his consent
& priuie, at the least with-
out his allowance & confir-
mation. Vies Brooke this ti-
tle. And Bracton saith, that all
things that are the woman,
are the husband's; neither
hath the wife power of her
self, but the husband, like
cap. 15. and the husband is
the head of his wife, like
cap. 24. and ad that in any
legal matter she cannot an-
swer without his husband,
like *lib. 5. TraB. 1. ca. 3.* And if the
husband alien his wife's
land during the cohabitation,
she cannot possibly recover
his life.

Coin.

Coin.

Coin is a secret assent determined in the hearts of two or more, to the prejudice of another: Thus a tenant for terms of life, or tenant in tail, with his covenants conspire with another, that the other shall recover against the tenant for life the land which he holdeth, &c. in prejudice of him in the reversion.

Coin est vn secret assent determine en les cœurs de deux ou plusieurs, al preiudice d'un autre. Come si tenant pur terme de vie, ou tenant en le taile secretment conspire ou vn autre, que l'auter recouera vers le tenant pur vie le terre que il tient, &c. en preiudice de celui en le reversion.

Cui in vita.

Cui in vita.

Cui in vita is a writ, & it lyeth where a man is seized of land in fee simple, or fee taile, or for terms of life, in the right of his wife, and alieneth the same land, and dyeth, then he shall have the land for life for ever, & the land.

And note well that in this writ her title must be shown whether it be of the purchase of the woman, or of the heritage of the woman. But if the husband alien the right of his wife, and the husband & the wife be, the woman shall have a writ of *Sur cui in vita*.

Cui in vita est vn Brieve, & gist lou home est seise de terres en fee simple, ou fee taile, ou pur terme de vie, en droit sa feme, & aliena mesme le terre, & deuie, donques el auera le dit Brieve pur recouerer la terre.

Et nota bien que en cest Brieve son title doit estre monstre, si soit de purchase la feme, ou de le heritage la feme. Mes si le baron alien le droit sa feme, & le baron & la feme deui-ont, le heire le feme auera vn Brieve de *Sur cui in vita*.

Coin.

Cui

*Cui ante divorcium.**Cui ante divorcium.*

Cui ante divorcium est vn Briefe, & gist en semble amanner, quant tiel alienation est fait par le baron del terre la femme, & puis devorce est ew intereux, donques la femme auera cest Briefe, & le Briefe dira, *Cui ipsa ante divorcium contrahere non potuit.*

Cui ante divorcium is a writ, and it is writ in like manner, when such alienation is made by the husband of the woman land, and after divorce is had betwixen them, then the woman shall have this writ, and the writ shall say, To whome shec before the devorce might not gainsay.

*Count.**Count.*

Count est tant come original declaration en vn proces, vntore plus tost vse en real que personal actions, come declaration est plus apply al personal que real, *F.N.B. 16.2.60.d.n.72.2.191.2.217.2.* Libel oue les Chivaliers comprehend ambideux. Et vntore count & declaration sont ascun foies confound, come count en det, *Kite. 281.* Count ou declaration en appeale, *Plcor. 72.* Count en tris, *Bris. cap. 26.* Count en action de tris sur le case p' slander, *Kiteb. 252.* Counters ad este pris p' tiels flux hōe receivē de p'ces par luy en ale count, & de advocates, & Pledours dēc vn autre sort, come Attornies par vn que ē p'sent en p'son

Count is as much as the original declaration in a proces, though more used in real than personal actions as declaration is more applyed to personal than real, *F.N.B. 16.2.60.d.n.71.2.191.2.217.2.* Libel touch the Chivaliers comprehend both. And yet count & declaration be confounded sometimes, as count in det, *Kite. 281.* Count & Declaration in appeals, *Plcor. 72.* Count in trespass, *Bris. 22.26.* Count in action of trespass upon the case say a slander. *Kite. 252.* Counters hath bin taken for such as make retorteth to speake for him in any count as advocates, & Pledours to be another sort, as attornies for one that is present himself

but suffereth another to
speak for him. Countess
by M. Horne, etc. such
person is said to be the
countess. Which is the
countess people or persons
and not the countess in
judgment for their fee. And
it is so in the Countess.

Countess.

Countess is called a com-
tando, because she was
comptis the King, & she
was the most eminent and
high dignitie from the re-
ign of, until the 11. year of
H. Ed. 3. When the said
prince was created Duke of
Cornwall, & those which at
various times were created
Countess were of the blood
Royal; and at this day the
H. in all his appellations
sitteth them by the name of
Our most deere cousin, & for
this cause the law giveth
them high and great pain-
tments, and sheweth their
body hath not been arrested
for debt, trespass, &c. be-
cause that the law en-
tendeth that they shall the
King with their Coun-
sell for the publique good,
and keep the Kingdom
by their prouesse and va-
lour. Also by the same cause
they shall not be put in pri-
son although that it be

meas souffre un autre a dire
pour luy. Countess per M.
Horne, sont tiels Sergeants
erudite en les leys del terre
que seruent les laye gentes
de prononcer & defender
leur affaires en iudicature
pur lour fees.

Countess.

Countess dicitur a com-
tando, quia comitantur
Regem, & deo fuit le plus
eminent & supreme digni-
tie del conquest, ielque le
vraisime an del Roy Ed. 3.
ou le Blacke Prince fuit cre-
ate Duke de Cornwall, &
ceux que de ancient temps
fueront create Countees
fueront de sange Royal, &
ielque a cest iour le Roy
en tous les appellations
sittent eux per le nomme de
nostre cousin, & pour
cette cause le Ley
done a eux haut & grand
priuiledges, & pur ceo leur
corps ne sera arrest pur det,
trespasse, &c. pur ceo que le
Ley entend que ils assistent
le Roy ouc leur conseil pur
le weale publique, & gar-
dant le Royaume en safetie
per leur prouesse & va-
lour. Auxy pur mesme le
cause ils ne sera mise en
prison comens que ceo soit

The Exposition of

pub le service del pays.
Auxy si il luy soit prise,
sin le plainte ou defen-
dant soit va Countee ou
veny; c'est he sans tri-
per pays mes par le Brich-
le Roy. Auxy le defendant
nauera iour de grace vers le
Seignior del Parliamt, p' ceo
que il est intend d'atteindre
le publique. Et d'autant
temps le Countee fust Pra-
fectus seu Praepositus Com-
itatus, & ad le charge & cu-
rodie del Countee: Et ore
le Viscont ad tout fautho-
ritie par administration &
execution de iustice que le
Countee avoit, *Coke lib. 9.
fo. 49.*

Countenance

Countenance semble destre
vse pur credance ou e-
stecme: Vseil N. B. 111. in
ceux parols: Auxy l'attaint
ferra grantus as povers
hommes que prendront leur
serement que ils ont riens de
que ils poyent de faire leur
fine, ouiser leur counte-
nance. En mesme le maniere
est vse 1. Ed. 3. Stat. 2. cap. 4.
en ceux parols, Visconts
cha. geront le debtoirs le Roy
one tant que ils poyent le
vier oue leur serements,
sans abatement del coun-
teance des debtoirs.

for the service of the country.
Also if it be taken, whether
the plaintiff or defendant be
a Countee or not, this shall
not be taken by the Countee
but by the King
1011. Also the defendant
shall not have a day of law
now against a Lord of the
Parliament, because that
he is intended to attend the
public. And as much
time the Countee was Pra-
fectus seu Praepositus Comi-
tatus, and had the charge
and custody of the Countee
and made the sheriff his
all the authorities for the
administration and execution of
Justice which the Countee
had, *Coke lib. 9. fo. 49.*

Countenance

Countenance seemeth to
be used for credit or estee-
mation: *Old N. B. 111.* in
these words, And he that shall
be granted to possess
that will take them and
that they have made any
whereof to make their fine,
fining their countenance.
In the same manner it is
used, 1. Ed. 3. Stat. 2. cap. 4.
in these words, And the
sheriff the King's writs
with as much as they may
leave with their debts,
without abating of the
their countenance.

Courte,

The Exposition of T

[illegible][illegible]

The Exposition of

25. H. 3. cap. 19. il gift al roy
en son Chancery.

25. H. 3. cap. 19 it lieth to the
King in his Chancery.

Court Baron.

Court Baron.

Court baron est vn court q
chescun Seignior dū ma-
nor ad deins son precincts
demefne. De ceo Court &
court Lett M. Kitchin ad es-
crie vn liure pleine de bone
erudition. Cest Court come
semble en *Coke li. 4. fol. 26.* est
come double, & par ceo si
home ayant vn manor en
vn ville granta senheritance
ou copieholders a ceo apper-
teinants a vn autre ceo grā-
tee poit tener vn court par
le customary tenants & ac-
cepter surrenders al vse d'au-
ters, & faire admittances
es & grants: Lauter Court
est del Franktenants que est
properment appel le Court
Baron, en queles suitors,
cest adire, les Franktenants
sont Iudges, ou d'auter court
le Sür ou son Seneschal est
Iudge.

Court Baron is a Court
that every Lord of a ma-
nor hath within his stone
precincts. Of this court &
court lett. 29. Kitchin hath
a learned book. This Court
as it lieth in *Co. li. 4. fol.*
26. is as twofold, & there-
fore if a man having a ma-
nor in a town granteth the
inheritance to copyholders
servants belonging to ano-
ther, this grant may hold
a Court for the customary
tenants, & accept of surren-
ders to the use of others, &
make admittances and
grants: The other courts is
of free holders which is
properly called the Court
baron, wherein the suitors
is to say, the franktenants
Iudges, whereas of the other
Court the lord or his Sen-
eschal is Iudge.

Curtilage.

Curtilage.

Curtilage est vn garden,
yard, campe, ou piece de
vacant terre gisant prochein
& appartenant al messu-
age, *West. part. 2. Sect. 26.* &
il lient est vse, 35. H. 3. cap. 4.
39. El. 2 *Coke li. 6. fo. 64.*

Curtilage is a garden
yard, field, or piece of
void ground lying next &
belonging to the messuage,
West. part. 2. sect. 26. & it
is lient, 35. H. 3. cap. 4. 39. El.
Co. li. 6. fo. 64.

Couthcutlaunge.

Courthurlaugh.

Conthentlaugh.

Courthurlaugh is hee that willingly receiues a murther, & cherishes or hides him in which case he was in ancient time subject to the same punishment as the man he slewed was, *Br. li. 3. c. 1. c. 13. de. 1. it is compounded of conth, i. known, & urlaugh, out laued, as we now call them.*

Conthentlaugh is celuy q voluntarily receiue hoc vtage, & relieu ou cachaluy, en q il case il fuit en veiel temps lyable al m le punishment q le home vtage m fuit, *Br. li. 3. tra. 13. m. 2. ll e compose de couth, i. conus, & vtage, come nous iameux appellomus.*

Coucher.

Coucher.

Coucher is a factour who continueth in some place of country for traffick, an 37 E. 1. c. 16. it is also used for the general book into which any corporation entred their particular acts for a perpetual remembrance of them,

Coucher est vn factour que remain en ass' lieu ou pais p chausance, *Ann. 37. E. 1. c. 16.* il est auxy use p l'edmon li & en q ascun corporac' entret leur particular faies p vn perpetual register de eux.

Cunty.

Cunty.

Cunty cunty is a kind of trial, as appereth by *Br. li. 4. c. 1. c. 14.* The matter in this case shal be ended by cunty cunty, as between coheirs, *li. 4. c. 1. c. 14.* & again in the same place, In a writ of Right the businesse shal be determined by cunty cunty: & thidly, *li. 4. c. 1. c. 2.* The cause shall be tried by writ of right, neither by battle nor the great assise, but by cunty cunty only, the which seemeth to be as much as by the ordinary Iurie.

Cunty cunty est vn kinde de trial, come appiert per *Br. li. 4. c. 1. c. 14.* en ceux parols, *Negotium in hoc casu terminabitur per cunty cunty, sicut inter coharedes, li. 4. tra. 3. ca. 12.* & arereen m le lieu, *In breui de recto negotium terminabitur per cunty cunty: & tierceint, li. 4. tra. 4. ca. 2.* Terminabitur negotiū per breue de recto, ubi nec duellum, nec magna assisa, sed per Cunty cunty annua, le q il semble destre tant come p ordinary Iurie.

Curfew.

Curfew vient des deux pa-
rols Francois, *Couurer*,
couurer, & *Feu*, fire: est vse
dne nous pur vn peale vespre,
pet que le Conquerour com-
mand chescun home de pñ-
der garnie pur le couerture
de son feu, & l'extinguishint
de son lumen; issint q̄ plu-
fors lieux a cest iour, ou vn
esmpañe & vsual facinta, p-
chein temps du leu, il est dit
de tinter Curfew.

Curfiter.

Curfiter est vn Officer ou
Clerke apperteynant al
Chancerie, que fait hors ori-
ginal briefes, 14. & 15. H. 8.
cap. 8. Sont appel Clerkes
del Course en le serement
des Clerkes del Chancerie,
appoynte Anno 13. Edm. 3.
Stat. 3. La sont de ceux vint
quatre en nombre, que ont
allotz a chescun de eux asc'
counties en le quel ils font
hors tiel original Briefes, que
font per le subie require, &
sont vn Corporation lor eux
meismes.

Curfew.

Curfew cometh of two
French words, *Couurer*,
to court, and *Feu*, fire: it is
vse with vs for an evening
peale, by which the Con-
queror, willed every man
take warning for the reiding
by of his fire, and putting
out of his light, so that in
many places at this day
when a Bell is customably
rung toward bed time, it is
said to ring Curfew.

Curfiter.

Curfiter is an Officer by
Clerke belonging to the
Chancerie, who maketh out
original writs, 14. & 15. H. 8.
ca. 8. They are called clerks
of the Course in the oath of
clerks of the Chancery, ap-
pointed an 13. Edw. 3. stat. 3.
There are of them 24. in
number, which haue allot-
ted unto suery of them cer-
tain shires, into the which
they make out such original
writs as are by the subies
required, & are a corporation
among themselves.

Curfew.

Custom.

Custom.

Custom may be defined to be a lawe or rule of righte established by long use, & consent of our Ancestors, both in and without our Realme. Custom is either general, or particular; general is that which is current through England, whereof you may read in Doctour & Student, l. i. c. 1. Particular is that which belongeth to this or that Countie, as Gavelkind to Kent, or tithes to that Lordship, Cite, or Colone.

Customs differeth from prescription, because that custom is common to many, & prescription by the opinion of some is particular to this or that man; & againe, prescription may be for a shorter time than Custom, as for years, or one yeare, or lesse: As if a line be duly limited of lands or tenements, and be not gainsayd within five yeares, this is a barre to all claime for ever.

If a man omitteth his continuall claime for a yeare and a day, then the Tenant in possession shall have an action against the party de-

Custom may be defined to be a lawe or rule of righte established by long use & le consentement de nostre Ancestors, ad estre, & l'ouement est mis en vie. Custom est ou general ou particulier; genal est ce qui ap- prend per toute Angliere, de queux vous poyez lier en Docteur & Student, l. i. c. 1. plus- fort fort digne de estre connus: Particular est ceo que appertient a ceo ou tiel Countie, coe Gavelkind al Kent, ou a ceo ou tiel Seignorie, Cite, ou Ville.

Custom differt de prescription, p ceo que Custom est common a plusieurs, & Prescription, p l'opinion d'un, est particular a eel ou tiel home: Auxy Prescription poyt estre put vn plus court temps que custom, scz p cinque ans, ou vn an, ou meins; Coe si fine soit due- ment leuy d'ires ou tenemts, & ne soit dedit deins cinque ans, c'est barre a chose claim a tous iours.

Si home omitta son continuall claime pur vn an & iour, donque le Tenant en possession prescribe vn priuiledge enuers l'entree

The Exposition of

le demandant & son hoire, *Fitz. N. B. 79.* Hors de nostre Estatutes vous poys au plus grand diuersité, l'issint que ceo semble desirer va vous dit, Que prescription est va, exception foundue sur taunt temps ale & passé, que le Ley l'imita par le pursuance d'alcun Actiō. Vn exemple poyt estre prise hors del Estat de r. *Hent. 8. cap. 4.* que cas est, que en tous Actiōs populaires information serra fait deins trois ans puis loffence commit, ausint de lre de nul yigour.

Custome est auxy vte p le tribute ou tolle q Merchants payeront al Roy de port cins & hors merchandizes, *14. E. 3 Stat. 1. ca. 23.* en q l signification est appel *Custuma* en Latyne, *Reg. orig. 129. 4. 138. 2.*

Et denierment, par tiels ser- uices que Tenants d'un Ma- nor doyont a leur Seignior, Veyel liuer D'entries, verbo *Custome.*

Custos Breuium.

Custos Breuium est le pri- mer Clerke appartenant a Court de Common Pleas, l'office de quel est de receiue &

the demandant & his hoire, *Fitz. Nat. Bre. 79.* Out of our Statutes you may haue greater diuersite: so that this statute is to be a true say- ing. That prescription is an exception founde upon so long time gone and past, as the Law limiteth for the pursuance of any action. In ex- ample may be taken out of the Statute of 1 Hen. 8. cap. 4. which enacteth, That in all Actions popular, informati- on shal be made within the yeres after the offence com- mitted, otherwile to be of no force.

Customs is also used for the tribute or toll that Mer- chants pay to the King for com- ing out of merchandises, *14. E. 3 Stat. 1. ca. 23.* in which signi- fication it is called *Custuma* in Latyne, *Regist. orig. 129. 4. 138. 2.*

And lastly, for such ser- uices as Tenants of a Ma- nor owe unto their Lord, Old books of Entries, word *Customs.*

Custos Breuium.

Custos Breuium is the Chief Clerke belonging to the Court of Common Pleas, whose Office is to receive &

have all the writs, & so put
them upon files every return
by it self, & at the end of an-
nye terme to receive of the
Prothonotaries all the Re-
cords of Nisi prius, called the
Poke. The Custos Breuium
also maketh entrie of Writs
of Covenant, & the Concord
upon every fine, and maketh
out exemplifications and co-
pies of all the writs and re-
cords in his office, and of all
the fines levied. The fines
after they be ingrossed, the
parts therof are divided be-
tween the Custos Breuium
& the Chirographer, wherof
the Chirographer keepeth
alwayes with him the writ
of Covenant & the note, the
Custos Breuium keepeth the
concord, & the rest of the fine,
upon which first the Chiro-
grapher causeth the procla-
mations to be uttered, so that
they be all proclaimed.

tener tous les Brieſ, & mi-
ter eux ſur files, cheſcun Re-
turn per luy meſme, & al fine
de cheſcun terme de recevoir
del Prothonotaries tous les
Records de Nisi prius, appelle
le Poſtea. Le Custos Breuium
auxy fayt entrie des Brieſes
de Covenant, & le Concord
ſur cheſcun fine, & fayt hors
exemplifications & tran-
ſcripts de tous les Brieſes &
Records en ſon office, & de
tous les fines levie. Les fines
puis que ils ſont engroſſe, les
parts de ceo ſont diviſe pen-
ter le Custos Breuium & le Chi-
rographer, de quelle Chiro-
grapher reſteyna tous ſoits
oue luy le Brieſe de Covenant
& le note, le Custos Breuium
reſteyna le Concord & pec d'el
fine, ſur q'l pec le Chirogra-
pher cauſe les proclamations
deſtre indorſe quant ils tous
ſont proclaimé.

Custos Rotulorum.

Custos Rotulorum.

Custos Rotulorum is he
that hath the keeping
of the Rolls or Records of
the Sessions of the Peace,
and as some think, of the
Commission of the Peace it
self, Lam. li. 4. ca. 3. pag. 373.
He is alwayes Justice

Custos Rotulorum, est ce-
luy que ad le custodie
des Rolls ou Records des
Sessions del Peace, & come
ascuns ſemble, del Com-
miſſion del Peace meſme,
Lambert. Lib. 4. cap. 3. pag. 373.
Il est tous ſoits Juſtice
del

The Exposition of

del Peace & *Quorum*, en le
Countie ou il ad son Office,
& per son Office il est pluif-
toft appel vn Officer ou Mi-
nister, que vn Iudge, pur ceo
que le Commission del peace
impose ceo especial Charge
per expresse parols sur luy,
Quod ad dies & loca predicta
breuia, precepta, processus, &
indillementa predicta coram
te & dilectis tuis venire
facias.

of the *Peace* & *Quorum*, in the
countie where he hath his
office, & by his office he is
the termed an officer & mi-
nister, than a iudge, because
the commission of the *Peace*
oth this special charge by ex-
press wordes upon him, That
he should cause the writs
preceptes, proceses, & indictments
aforesayd to come & be be-
fore him and his fellow Iustices
at the days & places aforesayd.

Custos des Spiritu- alities.

Gardian of the Spiritu- alities.

Custos des Spiritualities,
est celuy que exercisa le
Spirituell & Ecclesiastical
Iurisdiction d'aucun diocesse,
durant le vacancie del See,
L'appoyntment de quel per
le Ley Canon, apperteynant
al Dean & Chapitre, Ne sede
vacante aliquid innouetur:
Mes en Anglitterre L'archie-
uesque del Province ad ceo
per Prescription: Vacore
plusours Deanes & Chapi-
ters, come dit Mounseigneur
Gwyn en le Preface a son
Lectures, ceo demaunde per
veyes Chartres des Royes de
cest terre.

Gardia of the Spiritualities
is he that exerciseth the
spirituall & ecclesiastical iu-
risdiction of any diocesse, du-
ring the vacancie of the See:
the appoyntment of who by
the Canon is so pertained
to the Dean & Chapter, That
that the See beeing vacant,
some nouelty might happē:
but in England the Archbi-
shop of the Province hath it
by Prescription; Whobest
many Deanes & Chapters,
as *W. Gwyn* saith in his
preface to his readings, ha-
legeth this by ancient charters
from the kings of this land.

Curtessie of England.

Curtessie of England, is where a man taketh a wife, whether he be simple, or free, or tenant, or lord, or heir of the land, or tenant, and hath issue by the wife male or female, but he dies before he is in life, if the wife be the husband that hath the land during his life by the Law of England: And it is called **Tenant by the Curtessie of England**, because that this is not used in any other realm but only in England.

But if an infant was never heard, or alive, then the husband shall not be Tenant by the Curtessie: yet the hearing is not necessarie; for if the issue be borne alive it sufficeth, and the crying of the infant is but a proofe of the life. If the woman bee delivered of a Monster which hath not the shape of a man, this is not issue in Law: But although the issue hath some deformity or defect in the hand or foot, and yet hath human shape, it sufficeth to make the husband tenant by the Curtessie: And in some cases the time of the birth is materiall, and in

Curtessie D'Angleterre.

Curtessie D'Angleterre, est un homme prent femme seise en fee simple, ou fee tayle general, ou seise come heire de la tayle special, & ad issue per la femme male ou female, soit issue mort ou en vie, si la femme deuie, le baron tiendra la terre durant sa vie, per la Ley de Angleterre: Et est appel **Tenant perle Curtessie de Angleterre**, pur ceoque est use en nul autre Royaume, forsque tantselement en Angleterre.

Mes si l'enfant ne vngues soit oyé ou visé, donque le Baron ne serra Tenaunt per le Curtessie: Vncore le oyement nest necessarie, car si le issue soit nec en vie, ceo suffist, & le cryer del Enfant nest forsque proofe del vie. Si la Femme soit deliuer d'un Monster, que n'ad le shape de homes, ceo nest pas Issue en la Ley: Mes coment l'issue ad aucun deformitie, ou defect en le maine ou pee, & vncore ad humane shape, ceo suffist de faire le Baron Tenaunt per le Curtessie: Et en afeun cases, le temps del nestre est materiall, & en aucun

The Exposition of

aucun nemy : Et pur ceo si
 home prist feme enheretrix,
 que est graundment enseint
 per luy, & lissue est rippe
 hors de sa venter en vie, ore
 il ne serra Tenaunt per le
 Curtesie, car ceo doynt com-
 mencer per lissue, & con-
 summate per le mort la
 feme, & l'estate de Tenant
 per le Curtesie, couient a
 toller le immediate discent.
 Mes si Baron ad lissue per sa
 feme, & puis Terre discent
 al feme, soynt lissue donque
 mort, ou en vie, il serra Te-
 nant per le Curtesie, car le
 temps del nestre del lissue
 nest material, si ceo soynt en
 la vie sa feme. Si terra
 sont dones al feme, & al
 heires males de sa corps, &
 el prist baron, & ad lissue
 file, & morust, le baron ne
 serra Tenaunt per le Courtesie,
 car lissue ne poet per au-
 cun possibilitie enheriter
 mesme les Tenements. Au-
 xy come vn feme alien, es-
 poufant vn subiect del Roy,
 ne serra endowe, en mesme
 le manner vn home alien
 nee, ne serra Tenant per le
 Curtesie.

Auxy si home seisie de
 Terre en droyt sa feme, soynt
 attain de Felonie, ayant
 lissue, & donque purchase le

some not: But therefore if
 a man marryeth a woman
 Inheritrix, who is great
 with child by him, and the
 issue is ripe forth of her bel-
 lie alive, there he shal not be
 tenant by the Curtesie, for
 this ought to begin by the
 issue, & consummate by the
 death of the woman, and the
 estate of the Tenant by the
 Curtesie ought to succeed the
 immediate discent. But if
 the husband hath issue by his
 wife, and after stand discent
 both to the woman, her the
 issue then dead as alive, he
 shal be tenant by the curtesie,
 for the time of the birth
 of the issue is not material,
 if it be in the life of the wo-
 man. If lands be given to
 a woman & the heirs males
 of her body, & she taketh an
 husband, and hath issue a
 daughter, and dieth, the hus-
 band shal not be Tenant
 by the Curtesie, for the issue
 cannot by any possibilitie
 inherit the same tenements.
 Also as a woman alien
 buyeth marrying one of the
 Kings subjects, shal not be
 endowed in the same manner
 a man alien buyeth shal not be
 Tenant by the Curtesie.

Also if a man sold of land
 in the right of his wife, be
 attaind of felony, having
 issue, and the purchase be the
 Kings

things pardon, and after his wife dieth, then he shall not be bound by the Curtesie: But if he be bound by his wife, then after the pardon, in such case he shall be bound by the Curtesie.

pardon le Roy, & puis son ferra morust, la il ne ferra Tenant per le Curtesie: Mes s'il ad issue per son feme nee puis le pardon, en tiel case il ferra Tenant per le Curtesie.

D

Damage fasant.

Damage fasant is when a stranger beastes or in another mans ground, without la full authoritie or licence of the Tenant of the ground, and there hee tres, feed, and otherwile spoile the Corn, Grasse, woods, or such like: In which case the Tenant when they have any therofore take, distraine, and impound them as well in the night as in the day. But in other cases, as for Hunt, and Serents, & such like, none may distraine in the night tyme.

But this word damage is used in a more large acceptation than in the first, & is sometime a part of the which the Jurors are to enquire of, in giving their Verdict for the Complaint, as Demandant, in an Action on Real, or Personal.

D

Damage fasant.

Damage fasant est quant les beastes de un estrange sont en autrui terres, sans authorite loyale ou licence del Tenant de la terre, & la mangeront, recast, ou autrement spoyleront les Bles, Grasse, Bois, ou tiels semblables: En quel case, le Tenant que il aient Damage, poit pur eux prendre, distraire, & impoundeur, cybien en le nuit, comme en le jour. Mes en autres cases comme par Rent, & services, & tiels semblables, nul poit distraire en le nuit & temps.

Et cest parol Damage est pris en un plus large acceptation que est auant dit, & est ascun foies un part de ceo que les Jurors sont de enquire donant leur Verdict par le Plaignif, ou Demandant, en un Action Real, ou Personal.

Car

The Exposition of T

Car puis le verdict donc sur
lo principal cause, ils font
unty demand leur Consi-
rances touchant Costs, queux
sunt les expences del Suis,
de damages, que contine
le parde que le plaintiff ou
demandaunt ad sustaine per
cause del tort a luy fait
per le Defendant, ou Te-
nant.

Et entant que Justice &
Reason vifonez que quant
le Viegle Credi, les Terres,
les Biens, le corruption de
son Sank; & tout ce que
homme li a forfettere est cest
Monde, sont mis en peril
sans vouloir desirer y ou d'aise,
mais seulement par les malil-
liens accusation: l'un au-
tre par appelle; mais si de-
struction par ces enues
vous par aracter, de si mal
suffisient; donc que vers luy
ou ceur que luy abbeut ou
procurer de penser de Ap-
peale; puis de la Corrupton
Ley dont si damages al de-
fendant en un Appale &
alligne a luy un moyen par
le requier de ceur, quant
il fust acquite del felony,
come est 45 Ed. 3. 36. Mes
ceant que les damages
queux incroque de luy re-
quer vers le procurer de ar-
betrors, n'ont de luy re-

for after the verdict given
upon the principal matter,
they are also asked their
Considerations touching Costs
which are the expences of
the Suis, and Damages,
which contains the hind-
rance that the plaintiff or
demandant hath suffered
by meanes of the wrong
done unto him by the De-
fendant, or Tenant.

And forasmuch as Justice
and Reason require, that
when the Life, the Credit,
the Land, the Goods, the
corruption of Blood, and all
that a man hath is put in
perill, without any other
cause, but only upon the
malicious accusation of a
man in a Trespasse, should
have satisfaction therefore
against the same offender, &
if he hath not sufficient con-
sideration in the other the
better satisfaction; then is
due the Appale there-
fore the Appale to recover
damages to the Defendant
in an Appale, and assigned
to him a means for the re-
covery thereof, which he was
acquainted of the Felony, as
it is 45 Ed. 3. 36. But for-
asmuch as the damages
which were to be recovered
against the procurers and
arbitrators, were to be re-

covered by originall words, that is to say, by words of Conspiracy, and not others in which felony cannot be proved a remede; as the best none quality of the felony required; the Statute of Westminster the 2. Anno. 13. Ed. 2. cap. 12. for the more sudden redresse thereof, was ordained.

But if the defendant barreth the plaintife of his Tryall, then he cannot recover Damages by the said Statute against the plaintife, except the Warr be such as acquitteth the defendant of the Felonie: And in that, if the defendant sheweth, that the appellant is a Bastard, or hath an elder Brother, or like sheweth in Barre, and thereby harreth the plaintife, yet he shall not recover Damages against him, for the defendant may be indicted againe of the same Felonie, and attainted notwithstanding as well as those sheweth, for by shewing the innocencie of the defendant is not tryed, and therefore he shall not have Damages. 27. Ass. pl. 25. The same law is, if the defendant barreth the appellant by Deniall in fact: And so it is, if in Tryall of the death of a

couver per original Brieve, cestascavoir, per Brieve de Conspiracie, & nient autrement, que ne fust cy curt remede, come le heinous degre del tort require, le Statute de Westminster le 2. Anno 13. Ed. 1. cap. 12. pur le plus subite redresse fuit ordaine.

Mes si le defendant barre le plaintife de son Appeale, donque il ne peut recouevr Damages per le dit Statute enuers le plaintife, forsque le Barre soit tiel que acquitte le Defendant del Felonie: Et purce que si le defendant plead, que le appellant est ou Bastard, ou ad un eigne Frere, ou tiels Pleasen Barre, & per ceux Barre le Plaintife, vncore il ne recouera Damages vers luy, car le Defendant peut estre endite arere de mesme le Felonie, & attaint nient obstant aucun de ceux Pleas, car per ceux le innocencie del Defendant nest pas triee, & pur ceo il n'aura Damages. 27. Ass. Pl. 25. Mesme le Ley est, si le Defendant barre le appellant per Deniall en Ley: Et assint est, si en Appeale del mort d'un home,

The Exposition of

home le defendant plead al
issue, & est troue par verdict
que il occide le home en son
defence demesne, ou p mis-
adventure, en ceux cases il
ne recouera damages.

Mes si le defendant en
appelle ad le release del ap-
pellant, ou le pardon le Roy,
& voile eux waiuer & pled
niem culpable, & est ac-
quits, en cest case il recou-
ra damages.

Et est ascaboire que
cest parol damaa est
prise en la Ley en deux
several significacions, l'un
proprement & general-
ment, l'autre relative &
stricte, proprement come
est en cases ou damages sont
foundus sur le stat. de 2.H.
4.cap. 1. & 5.H.6.cap.9. ou
costs sont enclude deins cest
parol damage, car *Dammum*
en son proper & general
signification, *Dicitur a de-
minuendo, cum diminutione res
deterior fit*, & en cest sence
costs de suit sont damage al
plainif, car per eux res
sua diminuitur: Mes quant
le plainif montre le
tort fait a luy a dam-
mage de tiel somme,
ceo est desire prise re-
lative par le tort que est

made to the plaintiff, & it is found by
verdict that hee killed the
man in his owne defence or
by chance, in such
cases hee shall not recover
damages.

But if the defendant in
appelle hath the release of
the appellant, or the Kings
pardon, & will waive them
and plead not guilty, and
is acquitted, in this case he
shall recover damages.

And it is to be noted that
this word damage is taken
in the Law in two several
significations, the one pro-
perly and generally, the o-
ther strictly and relatively,
properly as it is in cases
where damages are found
upon the Statute of 2.
H. 4. cap. 1. and 5. H. 6. cap.
9. where costs are inclu-
ed within this word da-
mages, for *Dammum* in
it's proper and general si-
gnification is said to de-
minuendo, when a thing by a dimi-
nution is made worse, and in
this sence costs of suit are
damages to the plaintiff,
for by them his substance
is diminished: But when
the plaintiff declares the
injurious done to him to be
damages of such a summe,
that is to be taken relative
ly for the injury done to
him

Termes of the Law.

121

passed before the writ
brought, and are assised by
reason of the writ, as
foresayd, and cannot extend
to acts of God which are
future, and of another na-
ture, *See Coke lib. 16. fol.*
116. 117.

Danegeld.

Danegeld, is a tax levied
quit of a certain culture
which hath run sometimes
which the Danes demand
in England.

This began first in the
time of King Ethelred,
who being thus distressed
by the continual invasion
of the Danes, to purchase
peace, was compelled to
charge his subjects and
people with importable
payments, for the said peace
and for his general pay-
ments 11000. li. and after-
wards granted them 25000.
li. yearly.

Darrein presentment.

Darrein presentment,
an Bill thereof lyeth
against any mine ancestor
who hath been a Clerke to
a Church, and after the
Church was taken by the
hand of the King or Clerk

passé devant le Brieve porté,
& sont assise *transgressionis predictæ*, &
ne peut entendre al cas
de Suir que sont future, &
Sunt autre nature, *Veies*
coke lib. 16. fol. 116. 117.

Danegeld.

Danegeld, hoc est, quic-
tum esse de quadam con-
suetudine que cucurrit a-
liquo tempore, quam qui-
dam Dani inuenerunt in
Anglia.

Ceo commence primer-
ment le temps le Roy. *La fol.*
quel estant en general
distraire per le coronal, g-
uaignon de les Danes. put
purchaser paix, fuit con-
peli de charge son pais &
peuple que importable pai-
ments, car il primerment
done eux al cinq, equal pai-
ments 11000. li. & puis grant
al eux 25000. li. annuellement.

Darrein presentment.

Darrein presentment, Af-
fise de ceo gist ou ieo
ou mon auncetors ad pre-
sent vn Clerke, apres-
glise & puis le l'eglise
estant voyde per le
mort del dit Clerke ou

en l'auement, vn estranger present son Clerke
 al mesme Eglise en di-
 sturbance de moy: Et
 comment ceo est auer-
 timent vs, Veies, *Bracton*
lib. 4. Traict. 2. Regisler Orig.
al. 30. Si baron & feme
 present al aduowson, en
 droit la femme, que est ap-
 pendunt al mannor la feme,
 & puis le baron alien vn
 acre, parcel del mannor due
 le aduowson en fee a
 vn estranger, & puis, &
 puis le estranger present-
 ent & puis alien le acre
 a vn autre en fee, si auient
 le aduowson a luy mesme,
 & puis le Eglise void, ore
 la feme presentera, & sel
 sole distube el auer. A lise
 de l'assaine. Presentment,
 par ceo que l'aduowson
 fait seuer del acre,
 mes si l'aduowson n'a
 ie appendunt al acre,
 donque couient al feme
 a recouer le acre auant
 que el presentera al ad-
 uowson, *Pitchebert, Natur*
breuium, 32.

Deane & Chapter.

Deane & Chapter, est vn
 corps Corporate spiri-
 tuel, consistant de plusieurs
 able persones en Ley, come

otherwise, & stranger pre-
 senteth his Clerke to the
 same Church in distur-
 bance of moy: And how it
 is auerment vsed, see
Bracton lib. 4. Traict. 2. Re-
gisler Orig. fol. 10. If hus-
 band and wife present to
 an aduowson, the right of
 the wife, which is appen-
 dant to the mannor of the
 wife, and after the husband
 alieneth an acre, parcel of
 the mannor, which the ad-
 uowson is for to a stran-
 ger and death, and after the
 stranger alieneth the acre
 to another in fee, namely the aduowson
 to himselfe, and after the
 Church is lay, then the
 wife shall present, and
 shee has advantage therfor
 because the aduowson
 was limited from the acre. But if the
 aduowson was appen-
 dant to the acre, then the
 wife ought to recouer the
 acre before shee presenteth
 to the aduowson, *Fitzh.*
Breuium, 32.

Deane & Chapter.

Deane & Chapter, is a
 body Corporate spiri-
 tual, consisting of many
 able persons in Law, as
 namely

namely the Deane (who
is chief) and his Pre-
bends, and they together
make the Corporation.
And as this Corporation
may buy and sell lands
and tenements to the use
of their Church and suc-
cessors; so likewise every
of them severally may pur-
chase to the use of himselfe
and his heires.

And as there are two
foundations of Cathedral
Churches in England, the
old and the new (the new
are those that King Henry
the eight upon suppression
of Abbeyes, transformed
from an Abbe, or Prior
and Convent, to Deane and
Chapter) so there are two
manners of Creation of
these Deanes; for these
of the old foundation are
brought to that Dignity
into Bishops, the
King first sending out his
Congee desliver to the Chap-
ter, the Chapter then cho-
sing the King bestowing his
Morall assent, and the Bi-
shop confirming him; and
giving his mandate to en-
stall him. Those of the
new foundation are by a
Chapter course enstalled by
the Kings Letters patents
without other election or
confirmation.

nomement de Deane (que
est principal), & ses Pre-
bends, & ilsensemble font
le Corporation. Et sicome
cest Corporation poyent
joynment purchaſe terres
& tenemens al use delour
Esglise & successeurs, il-
sint auxy chescun de de eux
seueralment, poit pur-
chase al use deluy & ses
heires.

Et come la sont deux
foundations Desglises Ca-
thedral en Angleterre, le
veiel & le nouel (le nouel
sont ceux queux le Roy
Henry le huit sur suppres-
sion Dabbies transforme de
Abbot ou Prior & Couent,
al Deane & Chapter) il-
sint la sont deux meanes
del Creatiō de ceux Deanes,
car ceux del veiel foundati-
on sont conferre a leur
dignitie semblable a Euesques,
le Roy primerment mittant
hors son Congee De'slire al
Chapter, le Chapter don-
que esliant, le Roy ren-
dant son Royal assent, &
Leuesque luy confirmant
& donant son Mandate
de luy installer. Ceux del
nouel foundation sont per
vn voy plus curt enstalle
per les Letters Patents del
Roy sans auter election ou
Confirmation.

Q² Cest

The Exposition of

Cest parol est auxy apply
aux diuers que sont les pri-
mers de certaine peculiar Eg-
lises ou Chappels, come
le Deane del Chappel del
Roy, le Deane del Ar-
ches, le Deane del Chap-
pel de Saint George en
Windser.

This word is also ap-
plied to diuers that are the
chiefs of certayne peculiar
Churches or Chappels, as
the Deane of the Kings
Chappell, the Deane of
the Arches, the Deane of
S. Georges Chappell in
Windser.

Debet & solet.

Debet & solet ceux pa-
rols sont vse en le viel
Natura Brevium, fol. 98. le
Briefe de *Secta molendini*
esteant en le **Debet & So-
let** est vn Briefe de droit,
Sec. & arere, fol. 69. Vn
Briefe de *Quod permittat*,
poit estre plead en le Coun-
tie deuant le Viscount &
poit estre en le **Debet &
Solet** ou le **Debet** sole-
ment come le demaun-
dant clame. Pur que no-
ta, que ceux Briefs que s'ot
port en tiel sort, ont ceux
parolx en eux, come for-
mal parolx, nient destre o-
mit.

Et accordant al diuersi-
tie del case le **Debet & So-
let** sont vse ou le **Debet** tan-
tum; come si home per
Briefe sue de reconnerer al-
cun droit de que son An-
cestor fust disseise per
le tenaunt ou son Aun-

Debet & solet.

Debet & solet, these
wordes are used in the
old *Natura Brevium*, fol. 98.
the writ of *Secta molendi-
ni*, being in the **Debet and
Solet**, is a writ of right,
et. And againe, fol. 69 a
writ of *Quod permittat*
may bee pleaded in the
Countie betwix the **De-
bet** and **Solet**, as the
Debet writ, as the
Demandaunt claime.
Wherfore note, that the
writs that are brought
in such sort, haue the
wordes in them, as for-
mal wordes, not to be o-
mitted.

And according to the di-
uersitie of the case, the **De-
bet and Solet** are used, as
the **Debet** writ; as if a
man by writs hath recon-
nered any right whereof his
Ancestor was disseised by
the Tenaunt or his Aun-

cessor, then he useth only the
word Debet in his writ, &
it is not apt to bin Solet, be-
cause that his Ancestour was
disseised, and the custom dis-
continued; but if hee useth
for any thing that is first de-
nied to him, then hee hath
both these words, Debet &
Solet, because that his An-
cestour before him, and him-
selfe have usually enjoyed the
thing for which he sueth, as
Sute to the Will, or Com-
mon of pasture, untill this
present refusal of the Te-
nant, Regist. Orig. Fol.
144. a.

cessor, dunque il vsc solemet
le parol Debet en son Brieve,
& nest apt de vser Solet, pur
ceo que son Aucestour fust
disseisie, & le vsage disconti-
nue; mes sil sue pur alcuna
chose que est primerment de-
nie a luy, dunque il ad ambi-
deux ceux parols Debet & So-
let, pur ceo que ses Ancestors
deuant luy, & luy mesme
ount vsualmt enioy l'chose p
que il fust, come fuit al Mo-
lin, ou Common de Pasture
iesque cest present refusal del
Tenaunt, Register orig. Fol.
144. a.

Debet & Detinet.

Debet & Detinet.

Debet & Detinet, much
may bee sayde of these
words, that haue bene spo-
ken of the words next afore:
As if a man bee bound to
another, and maketh his
Executor and death, and the
money groweth due in the
time of the Testator, & after-
ward the executor payeth it
ue, the Action brought a-
gainst him therefore, shall
be in the Detinet only, and
in all Actions brought
by Executors as Execu-
tors, the writ shall bee in
Detinet only, although

Debet & Detinet, mult
poit estre dit de ceux pa-
rolx que ad estre dit des
parols procheine adenant;
Come si home soyt oblige a
vn autre, & fait son Execuf,
& morust, & l'argent fust
due en le temps del Testa-
tor, & apres l'executor ceo
ne renda pas, la L'action
port vera luy, pur ceo serra
en le Detinet tantum, &
issint en tous Actions
port per executors come Exe-
cutors le Brieve serra en le
Detinet tantum, coment que

The Exposition of

le dariae aorne en leur temps demefne, pur ceo que le chose ou damages recouer ferra assets.

Mes si Lessee pur ans rendant Rent, fait les executors, & morust, & le rent incurie puis le mort del Testatour, ore Action de Debt serf port en le *Debet & Detinet*: Car quant Executour ou Administrator prist les profits, rien ferra assets mes les profits ouster le Rent: Come si le Terre vault dix liuers per an, & cinque liuers est reservee, en cest case rien ferra assets forsque le cinque liuers ouster le Rent, & pur ceo le Brieft sera pur lrent en le *Debet & Detinet*, Coke lib. 5. fo. 31.

the duties accrued in their owne time, because that the thing or damages recovered, shall be assets.

But if Lessee for yeares rendering rent, makes his Executors, and dyeth, and the rent incurieth after the death of the Testator, there an action of Debt shall be brought in the *Debet & Detinet*: for when an Executor or Administrator taketh the profits, nothing shall be assets but the profits above the rent: As if the Land is worth x. li. by the yeare, and v. li. is reserved, in this case nothing shall be assets but the v. li. above the rent, and therefore the writt shalbe for the rent in the *Debet & Detinet*, Coke lib. 5. fol. 31.

Decies tantum.

Decies tantum est vn brieft, & gist lou vn iurour en ascun Enquest prist Argent d'un partie ou d'autre, par done son verdict, donques il payera dix foits a tant que il ad receiue: Et chescun que voyle suer puyt aver le Action, & auera l'un moitie, & le Roy l'autre moitie.

Decies tantum.

Decies tantum is a writ, and lyeth where a Juror in any Enquest, taketh money of the one part or other to give his verdyt, then hee shall pay tenne times as much as he hath received, and every one that will sue may have Action, and shall have the one halfe, and the King the other halfe.

But

But if the King in such case releas by his pardon to such a Person, yet that shall be no barre against him that bringeth the Action, but that he shall recover the other half, if he should be commences before the pardon of the King, but if the pardon be before any Action, it is a barre against all men.

And the same Rule is of all other Actions popular, where one part is to the King, and the other to the parties that sueth. And the Embracers which procure such Enquests shall be punished in the same manner, and they shall have the imprisonment of a yeare, but no Justice shall enquire thereof of Office, but onely at the suite of the partie.

Mes si le Roy en tiel Case releasé person pardon a tiel Person, yncore ceo ne serrá barre vers cestuy que pore l'Action, mes que il recouvrera l'autre moitie, si son Action soynt commencee deuant le pardon le Roy, mes si le pardon soynt deuant aucun Action, il est barre encontre tous gents.

Et mesme le Ley est de tous Actions populars, l'un vn part est al Roy, & l'autre al partie que suera. Auxy les embracers que procurent tiels enquests, seront punies en mesme le maniere & de ils aueront imprisonment de vñ an. Mes nul Iustice enquirera de ceo de Office, mes solement al suite de la partie.

Deciners.

Deciners.

Deciners are such as were wont to haue the oversight and command of ten free burghs for the preserving of the Kings peace, & the limits or circuits of their jurisdiction was called Decenna, Bract lib. 3. tract. 2. cap. 15. Also you may read Fleta lib. 1. c. 27. And also the Regis. original, fo. 68. b.

Deciners sont tiels queux soloient dauer le suruey & checke de dixz friburghs par le maintenances del Peace le Roy, & les limites ou circuit de leur iurisdiction on suit appel Decenna, Bract lib. 3. Tract. 2. cap. 15. Auxy poyes lier Fleta Lib. 1. cap. 27. Et auxy le Regis. original. fo. 68. b.

The Exposition of

Ceux semble d'au-
grand authorite en le temps
des Saxons, prestant con-
uissances de causes deins
leur circuit, & reformant
tortspes voy de iudgement,
come payes l'yer en les leys
del Roy *Edenart*, public per
Monseigneur Lambert, num. 12.
Aux la est mention fait de
caus en *Brixton ca. 12.* que dit
en le person le Roy, (come il
escrient son liure) en tiel
manier. Nous voillons
que tous tiels que sont 14.
ans & age, fairoient serement
que ils seront sufficient &
loyal a nous, & que ils ne
voient estre larons, ne assen-
tant a laron, & que tous
soient professe destre de ceo
ou tiel dozeine, & faire ou
offer bayle de leur behavior
per ceux ou cels Deciniers, ex-
ceptant Religious persons,
Clerkes, Chivalers, & leur
eigne Fils & Femmes. Va-
core mesme le Authour en
son 29. Chapter, procheine
al fine dit, Que tous al age
de 12. ans & deuis, sont pu-
nissable pur nient venir al
Tourne de Viseount, excep-
tant Countees, Prelates, Ba-
rons, Religious persons, &
femes. *Stamford Placar. fo. 37.*
hors de *Fitzherbert* ad ceux
parols.

These seeme to have
large authority in the Sax-
ons time, taking knowl-
ledge of causes within their
circuit, & reforming wrongs
by way of judgement, as you
may read in the Lawes of
King Edward set out by
Walter Lambert, num. 12.
Also there is mention of
these in *Brixton cap. 12.* who
saith in the Kings person,
(as hee writeth his *Wishes*
Books in this manner, We
will that all such as are 14.
yeres of age, shal make oath,
That they shal be sufficient
and loyal unto us, & that
they will not be felons, nor
assenting to felons, and
that all be bounden to be of
this of that Dozeine, and
make or offer suretie of their
behaviour, by this of those
Deciniers, except Religious
persons, Clerkes, Knights,
and their elden Sons and
Women. Yet the same Bar-
thol in his 29. Chap. nare
the end, saith, That all at
the age of thirte yeres or
aboue, are punishable for
not coming to the Sherifes
Copas, excepting Barons,
Bachelors, Barons, Religi-
ous persons, and Women,
Stam. Pl. Cor. fol. 37. both
of *Fitzherbert*, hath these
wordes:

The

Theseus *Latw* is, where
the Deciners make judgement,
that a felon is taken
for theft, and delivered to the
sheriff. And Kite out of the
Register, and Brit. saith thus,
Religious persons, Clerks,
Knights, or women, shall
not be Deciners, fol. 32.
From whence it may be gathered,
That this word implieth
nothing else but such
a one as by his oath of loy-
alty to his prince, is seated
in the combination or society
of a Dozeine, for it is not
usual at this day to finde
sureties so to doe: And now
a Dozeine seemeth to extend
so farre as the Law extendeth,
because that in Law onely
this oath is administered by
the Sherward, and taken by
such as are of the age of
twelve yeares and upward,
dwelling within the Doze-
ine of the Law where they
are sworn, Fitzh. N.B. 161.
The particulars of this oath
you may see in Bract. lib. 1.
Tra. 2. ca. 1. num. 1. in these
words, Which finished,
(that is, the Commission of
the Iustices being read, and
the cause of their meeting
being shewed) the Iustices
ought to conney themselves

Mesme le Lay est ou les
Deciners sont presentment
Que va Laron est prise par
Larcenie, & deliuer al Vis-
count. Et *Kitcher* hors del
Register, & *Britton* issint
dit, Religious persons;
Clerkes, Chivalers, ou femmes
ne seront Deciners, fol. 32.
Hors de quel poyt estre col-
lect, Que cest parol riens im-
plirment implie, mes tiel que
per son serement de loyaltie
a son Prince, est seulle en le
Fraternitie ou Societie d'un
Dozeine, car nest vsual a cest
iour de trouer suretie issint a
faire: Et iammes vn dozeine
semble s'extender cy tant
come le Lecte extendra, pur
ceo que en Lectes solement
cest serement est administer
per le Seneschal, & prise per
tiels que sont de age d' douze
ans, & desuis, recidant deins
le compasse del Lecte ou ils
sont iurus, *Fitzherbert*, *Natu-
ra Breuium* 161. Les parti-
culars de cest serement poyes
lyer en *Bracton*, lib. 2. tra. 2.
cap. 1. num. 1. en ceux parols,
Quibus propositis (c' est com-
mission des Iustices esteane
lie, & le meistre de l'ouy-
venne esteauant monstre) de-
bent *Iudiciary* se transfe-
re

The Exposition of

In aliquam locum secretum,
 & vocatis ad se quatuor, vel
 sex, vel pluribus de maiori-
 bus de Comitatu qui dicuntur
 Rationes Comitatus, & ad
 quorum notum dependens
 vota aliorum, & sic inter se
 tractatum habeant iusticiarij
 ad iuricem & ostendant qua-
 liter a Domino Rege & eius
 Concilio prouisum sit, Quod
 omnes tam milites quam alij
 qui sunt quindex annorum,
 & amplius, interire debent,
 Quod vltigatos, murtherores,
 robbatores, & burglatores,
 non receptabunt, nec eu con-
 sentient, nec eorum receptato-
 ribus, & si quis talis no-
 uerint, illos attachiari faci-
 ent, & hoc vicecomiti & balli-
 uis suis monstrabunt, Et si
 antefum vel clamorem de tali-
 bus audierint, statim au-
 dito clamore, sequantur cum
 familia & hominibus de terra
 sua, Et cy Briston mita
 eins quindix ans pur leage
 de ceux que sont iurus al
 peace le Roy, mes Lib. 3.
 Traict. 2. cap. 11. num. 5. il
 n'osme douzeans, Veics la-
 laugh.

in some private place, and
 calling vnto them foure or
 six, or more of the chiefe of
 the Countie, which are cal-
 led Rationes Comitatus, at
 whose dispose the Actions of
 others doe depend, & let the
 Iudices, discusse the matter
 amongst them, & shew how
 that by their Lord the King,
 and his Counsell, it is prou-
 ded, That all as wel Knights
 as others, which are fifteene
 yeares old and aboue, ought
 to swear, That they shal not
 receiue Outlawes, Murde-
 rers, Robbers, or Burglars,
 nor shall consent vnto them
 nor their receiuers, and if
 they know any such, they
 shal attach them, and declare
 it to the Sherife and his Bay-
 liffes, And if they shall heare
 any hue or crie of any such,
 they shal thereupon make
 present pursuit with their
 seruants and familie, And
 here Briston putteth downe
 14. yeres for the age of those
 that are sworn to the Kings
 peace, but Lib. 3. Traict. 2.
 cap. 11. num. 5. hee nameth
 twelue yeres. See la laugh.

Hors de queux premiffes
 poyr estre obserue le diuersi-
 tie percenter le auncient &

sort of which premises
 may be obserued the diffe-
 rence between the auncient &
 the

these our times in this point
of law and government, as
was for the age of those that
are to be known, as also
that Decretes is not made
for the time of a
Doyen, but for the time of
knowing to the King's peace.
And lastly, that note there
are not any Decretes, but
Doyen, and that is to signify
as man given to the King
for keeping the King's
peace, but his own oath,
and therefore no one that dis-
frow for the transgression
of another, but curies one
for himselfe. *De Frankpledge.*

ceux de nostre temps en ce-
point de ley & gouuernement,
cybles par le age de ceux
que sont de leur temps, comme
auxy que Decretes n'est im-
posé par le premier Doyen
d'un Doyenne, mes par luy
que est iure al peace le Roy.
Et denierment que iurmes
la ne sont aucun Decretes
forsque Lects, & que nul
homme communement donc
auter securitie par garder la
peace le Roy, mes son ser-
ment demesme, & que par
ceo nul respondra par los-
fenge d'un auter, mes che-
cun p luy m. *Vies Frankpledge.*

Declaration.

Declaration.

Declaration is a shewing
in writing of the grieve
and complaint of the deman-
dant or plaintife, against the
tenant or defendant, where-
in he supposeth to have re-
ceiued wrong. *Of this declara-
tion ought to be plain & cer-
taine, both because it in-
speecheth the defendant as
tenant, and also compelleth
him to make answer thereto.*
But note that such declara-
tion made by the Deman-
dant against the Tenant,
in an Action real, is pro-

Declaration est un mon-
strance en escripts, de
le grieve & complaint de le
Demaundaunt ou plaintife
enuers le Tenant ou De-
fendant, en que il suppose de
auer receiue tort, & cest de-
claration doit elle playne &
certaine, par ceo que il im-
speech le Defendaunt ou Te-
nant, & auxy chasc celuy
a responder. Mes nota, que
Declaration fays per le
Demaundaunt vers le Te-
nant en Actiō Real, est pro-

The Exposition of

permeas appel en Court.

Now, Que le Counte ou Declaration doyt conueyne Demonstration, Declaration, ou Conclusion. Et en Demonstration sont contraynes mayes choses, (cest adire) que se playeur, & enuers que, & de quel chose, & en le Declaration doyt estre compoist, content, & en quel maniere le cause del Action s'ordit entre les parties, & quant & quel iour, an, & lieu, & a que fashion sera donec.

Et en Perceuse, il doyt auerir & proffer de Prover son Suite, & monstra les Damages queux il suheyne per le tort a luy faye.

partie called a Count.

Note, that the Count or Declaration ought to containe Demonstration, Declaration, and Conclusion. And in Demonstration are contained these things, (that is to say) whoe him complaineth, and against whom, and for what matter, and in the Declaration there ought to be comprised, who is to what manner the Action shall be directed, when, & where, and to whom the action shall be given.

And in the conclusion, he ought to asserre and proffer to prove his Suit, and shew the Damage which he hath sustained by the wrong done unto him.

Dedimus potestatem.

Dedimus potestatem est un Briefe, & gist lou vn home sua en le Court le Roy, ou est sue, & ne puit bien traueyler, donques il auera cest Briefe direct a ascun Iustice, ou autre discrete person en le payes, de doner a luy power pur admettre ascun pur son Atourney, ou de leue Fine, ou de prendre son Confession,

Dedimus potestatem.

Dedimus potestatem is a Writ, and it hath toher a man sueth in the Kings Court, or is sued, and may not well traueyl, then he shal haue this Writ, directed to some Justice, or other discrete person in the Countrey, to give to him power to admit some man for his Atourney, or to leue a Fine, or to take his Confession.

or his Defence, or other Examination, or the matter required.

Defamation.

Defamation is when a man speaks or utters words of any other man, Court of Justice, Magistracie of City or Town: and hereupon the parties shall be punished according to the nature and quality of the Offence: Sometimes in the Star-chamber, sometimes by Action upon the Case for Slander, at the Common Law, and other times in the Ecclesiasticall Court. As if a man contrives any false news, or horrible and false lies of Prelates, Dukes, Earles, &c. then an Action De Scandalo Magnatum will lye against him, by the Statute of 1. Rich. 2. cap. 1. and this being proved, the parties offending shall be grievously punished. But for words of Defamation against a private man, there the parties offended shall have his Action upon the Case for the Slander, and shall recover in Damages, according to the quality of the Fault, wherein the quality of the person

Defamation.

Defamation est quando homo parle scandalous parols d'aucun autre homme, Court de Justice, Magistracie, ou Taille de Town: Et sur ceo le partie sera punie accordant al nature & qualite de son Offence: Aſcun fois en le Star-chamber, aſcun fois per Action sur le Case, par Slander, al Common Ley, & autre fois en le Court Christian. Come si home controuve aſcun faux nouvelles, & horribles & faulx Meſſingins de Prelates, Dukes, Counts, &c. donque ya Action De Scandalo Magnatum iſtra vers luy, per leſtatute de 1. Rich. 2. cap. 1. & ceo eſteant prouvé, le partie offendant ſera grievouſement punie. Mes par parols de Defamation vers un private homme, la partie grievée auct ſon Action sur le Case, par le Slander, & recouvre en Damages, accordant al qualite del Peche, c'est en le qualite del perſon que

The Exposition of

quelcoulx de faine est de
C'estoit confider.

mes pur Defamations de-
terminable en le Court
Christien, il auient de a-
tier trois incidents: Primer-
ment, coient concerne mar-
tierement Spiritual, &
determinable en le Eccle-
siastical Court, come par ap-
peler luy Heretique, Schis-
matique, Adoucten, For-
nicator, &c. Secondement,
concerne matter mes-
senger Spiritual, sole-
ment. Car si uel Defama-
tion concerne ou touche
celuy chose determinable
en le Common Ley, le Eccle-
siastical Court Judge n'aura co-
mmande ceo: Come li vn
Dignite est desle present a
vn Pontifice, & vn de la
curie desle dit al Pa-
tron, Que il est vn Here-
tique, ou vn Schismatic, ou que
il est excommunicé, par que
le Patron refuse a presen-
ter luy, & il parde son pre-
senterment, il auent Action
de que la Cause, pur vn Defa-
mation: Rendant a tel fine.
Aby si sene soit obligé
de que vn contigent, &
il chert, ou si l'heir soit
de luy. Quant la Cause
est de vn contigent, il
n'est en contence: Mais
en le Common Ley.

Who is so defamed, is much
to be considered.

But for Defamations
determinable in the Spirituall Court, they ought to
have three incidents: first,
it ought to concerne mat-
ters merely spiritual, and
determinable in the Eccle-
siastical Court, as for cal-
ling him Hereticus, Schis-
maticus, Adoucten, Fami-
licus, &c. Secondly, that
it concerne matter mes-
senger spiritual only: For if
such defamation concerne
as touch any thing deter-
minable in the Common
Lay, the Ecclesiastical
Judge shall not have Co-
mmande thereof: As if a
Dignity is to be presented
to a Pontifice, and one to
be presented thereto, saith he
in the Patron that he is an
heretic, or a Schismatic, or
that he is excommunica-
ted, whereby the Patron
refuseth to present him, and
hee taketh his presentment, he
shall haue an Action upon
the Case, for these defama-
tions, tending to such an
end. Also if a Woman be
hotted, that shee shall lose
continent, and chaste, or if a
Case bee made to her to
long as shee shall lose chaste,
in these cases Incont shall
be tried by the Common Law.
Thirde,

Chivalry, although that
such Defamation be merri-
ly Spiritual, and only
Spiritual, yet he that is
defamed, cannot sue there-
for damages, or Damages,
but the law ought to be
satisfied in punishment of the
fault, for the Defamer's health
of him that is offended.

And as for the Title of
a Title to Land, if A. hath
Title B. hath right in the
Lands of C. whereby C.
is damaged, then he may
have an Action upon the
Case, for the Defamation
of his Title against B.
And although B. hath a
colourable Title, yet he
shall be punished, forasmuch
as he hath taken away the
knowledge of the Law, and
moved in a matter which
concerned him not. And if
a man sueth, that he himself
has right to the Land of
another, in this case he
shall not be punished, for
his Title is false. Coke
lib. 1. cap. 12.

Defeasance.

Defeasance is a Condi-
tion relating to a Debt,
or an Obligation, Recog-
nizance, or Statute, which
being performed by the

Tiercement, come que
tel Defamation soit me-
ritement Spirituel, de solement
Spirituel, vncors cestuy que
est defame, ne poit sue in
paramends, ou Damages,
mes le Law couient estre
solement pur punisment
del peche, pro salute anime
cestuy que il soit offend.

Es quant al Tander d'un
Title a Terre, si A. dit que
B. ad droit en les Terres de
C. per que C. est damnisie,
donque il poit auer Action
sur le Case, par le Des-
famation de son Title ver-
A. Et nient obstant que B. ad
vn colourable Title, vncors
A. sera punie, entant que
il ad impise sur luy notice
del Ley, y del inqomit en
vn matter que ne luy pas
concerna. Mes si l'homme
dit, que il mesme ad droit
al Terre d'un autre, en
cest case nul Action pur
Defamation, qui nient ob-
stant que il conuient que son
Title est faux. Coke, lib. 1.
fol. 12.

Defeasance.

Defeasance est vne Con-
dition que relate a yn
Fair, come a yn Obligation,
Recognizance, ou Statute,
que estant performe per le
Obli-

obligor ou recognoiser le
adest disable & fait voyde
siccome sil ne viques pas ad
estre fait. Et la est nul gar
antie, recognoissance, rent
charge, annuities, couenant,
leas pur ans, &c. al Com
mon ley, ou tiels semblables:
mes que ils poient per vn
defeasance fait ou le mu
tual content de tous ceux
quetructoit parties a le cre
ation de eux per fait estre
adest discharge de defeat.
Et le difference preuener in
promiso ou condition en
fait, & vn defeasance est en
leas. Que la promiso ou
condition est annuities ou en
sert en le fait ou grant, ou
vn defeasance est visiblement
vn fait per luy mesme con
sulte domage preuener les
parties, deoyant relation a
vn autre fait & grant.

Et pur ceo li le condition
dun obligation soit repug
nant al fait, le condition est
voyde & le obligation bone,
come si le condition soit q
il ne suera obligation, ceo
est voyde, auxibien come est
de vn feoffee sur condi
tion que le feoffee ne pndra
my les profits, mes vn defea
sance est vn grant: que est
faicte par le obligation pur
defeater in le obligation, &
ceo est bone come q il soit re-

obligor or recognoising, the
act is disabled and made
void as if it had never been
done. And there is no war
rantie, recognoissance, rent
charge, annuities, couenants,
leas for years, or such like:
but that they may by a de
feasance made with the mu
tual content of all those
which were parties to the
creation thereof, by deeds be
abundantly discharged and de
feated. And the difference
between a promiso or con
dition in deed, and a defea
sance in deed, is this, That the
promiso or condition is an
annuity or interest in the deed
itself, whereas a defeasance
is made by a deed by itself
severally and agreed on
between the parties, and
having relation to another
fact or grant.
And therefore if the con
dition of an obligation be
repugnant to the deed, the
condition is void and the
obligation good, as if the
condition be that he shall not
in the obligation, this is void
as well as it is of a feoff
ment, upon condition that
the feoffee shall not take the
profits: but a defeasance
is a grant that is made ab
out the obligation, to defeat
the same obligation, & this
is good, although it be re
pugnant

pugnant, and so not like a condition. 20.H.7.fo 2.b. for the forme and manner of Defences according to the diuersitie of the case. See West. part. 2. Symb. lib. 2. Sect. 230. 231. 232. 233.

pugnant, & issint nient sem- ble a vn condition. 21.H.7. fol. 2.4.b. Par le forme & man- ner de Defences accor- dant al diuſitie del cas & vice. West. part. 1. Symb. lib. 2. Sect. 230. 231. 232.

Defendant.

Defendant is he that is sued in action Personal, and he is called Tenant in an action Real.

Defendant.

Defendant est celuy que est sue en action Perso- nel, & est appel Tenaunt en vn action Real.

Defence.

Defence is that which the defendant ought to make immediately after the Count or Declaration made, that is to say, That he defendeth all the wrong, force, and damage, wrongs and wrongs he ought, and then to proceed further as his plea, or to imparle.

And note, that in so much that he defendeth the force or wrong, he doth excuse him- selfe of the wrong against him selfe, & maketh him partie to the plea, and in so much that he defendeth the damage, he affirmeth the partie plaintiffe able to be answered unto.

And for the reasons of the defence, he accepteth the power

Defence.

Defence est ceo que le Defendaunt doit faire immediatement apres le Count ou Declaration faite cest adire, que il defende tout le tort, force, & dam- mage, lous & quant il de- uera, & donques de pro- ceed ouster a son plea, ou de imparler.

Et nota, que entant que il defende tort & force, il se excuse del tort vers luy surmise, & fait sa partie al plea, & per taunt que il defende les Dam- mages, il affirme le partie plaintife able desle respon- due.

Et per le residue del de- fence, il accept le power

R del

del count de Oyer & Deter-
minar les ples de col mar-
ter. Car sil voile pleader al
Jurisdiction, il doit omettre
en son defence les parols
(ou de quant il deuera)
& sil voile monstre aucun
disabilite en le plaintife,
& demaunde iudgement
si le partie serra respon-
dure, donques il doit omir
ter le defence del dam-
mage.

of the Court to heare and
determine their pleas of
this matter. For if he
will plead to the Juris-
diction, he ought to o-
mit in his defence these
words (ou de quant il
deuera.) And if he will
shewe any disabilite in the
plaintife, and demaunde
iudgement if the party shall
be answered unto, then he
ought to omit the defence of
the damage.

Defendemus.

Defendemus est vn vsual
parol en vn fessement ou
donation, & ad cest force,
que il lia le doner & les
heires a defender le donee
si aucun home endeauce
imposer aucun seruitude
sur le chose donee, auter que
est comeine en le donation,
Bracton, lib. 2. cap. 16. num.
10. Veies auxy *Warrantiza-*
bimus.

Defendemus.

Defendemus is an ordi-
nary word in a fess-
ment or donation, and hath
this force, that it bindeth the
donor and his heirs to de-
fend the donee if any man
goe about to lay any serui-
tude upon the thing given,
other than is contained in
the donation, Bract. li. 2. cap.
16. num. 10. See also *War-*
rantizabimus.

Deforsum.

Deforsum est veluy que
prenaite & iect hors oue
force, Et il differt d'un dis-
seisin, primerment en ceo
que home poit disseise vn
auter sans force, quel act
est appel simple disseisin
Bracton. 33. donque p^r c^o que

Deforceor.

Deforceor is he that oue
commeth and catcheth
with force, and he differt
from a disseisin, first in this
that a man may disseise an-
ther without force, which
act is called simple *Disseisin*
Bracton. ca. 33. then he may
a man

a man may deforce another that neuer was in possession as if many haue right to lands as common heires, and one keepeth them out, the law saith, That he deforceth them although that he neuer disseised them; Old Natur. Br. fol. 118. If a tenant in tail maketh a feoffment in fee by which the feoffee is in, and afterwards the tenant in tail dieth, and his issue hath a writ of Formdo against the feoffee, the writ shall be, & also the cost &c. that the feoffee of wrong deforced him, & although hee did not disseise him, because that he entred in the life of the tenant in tail and the heire had no present right, Lit. fo. 128. And a deforcer differeth from an intruder because that a deforcer keeps out the right heire as a forsaith, & a man is made an intruder by a wrongfull entry only in lands of tenements void of a possessor Br. li. 4. ca. 1.

And because that force & forcible entry into lands is so opposite to the peace and justice of the Realme, & the dishonour of the King & his crown, & discredit of the law that any person by death & by devoted to the obedience of the King and his lawes

home poit d'force vn autre que ne vnques fuit en possession, come si plusieurs ont droit al terres come cōmon heires & vn tient eux hors, le ley dit, que il'eux desoree nient obfians que il ne eux disseisa pas, *Wiel N. B. fo. 118.* Si tñ en taile fait feoffmēt en fee p que le fessée est eins & puis le tenāt en taile mort, & son issue suist bñe de Formdon eueurs le feoffee, le briefe dira & auxy le count &c. q le fessée a tort luy de force, &c. cōm q il ne luy disseisa pur ceo que il enter en le vie le tenant en taile & le heire ad nul present droit, *Littleton fol. 138.* Et vn deforsor differt de vn intruder, pur ceo que vn deforsour tient hors le droit heire come auantdit, & home est fait vn intruder per son tortious entrie seulement en Terres ou Tenements voides d'un possessor, *Br. li. 4. ca. 1.*

Et pur ceo que force & forcible entrie en terres est cy opposite al peace & iustice del Royalm, & dishonour del Roy & son Corone & le scandal de le Ley, que aucun person per nestre & serement deuote al obedience del roy & ses leyes

The Exposition of

presumera de son autoritie per force & fortmaine de resister euz ambideux per violent entrusion en le possession d'un autre deuant le Ley ad decide son Title en ceo, pur ceo diuers Statutes ont estre faits p le restrainit & reformation de ceux abuses, come enter auters le Stat de 5.R. 2. cap. 7. ou le Roy defend ascun entrie en terres ou tenements; mes en case ou entrie est done per le ley, & donque nemy oue fort maine, ou oue multitude de gents, mes splement en vn peacable maner. Vci es plus de ceo in *Poulton de Pace Regis fo. 34. 35. & c.*

should presume of his own authoritie by force & strong hand to resist them both by violent intrusions into the possession of another before the Law hath decided his Title therein, therefore diuers Statutes have bin made for the restrains and reformation of these abuses, as amongst others the Statute of 5.R. 2. c. 7. where the King doth forbid any entry into lands or tenements; but in case where entry is given by the Law, and then not with strong hand or with a multitude of people, but only in a peaceable manner. See more of this in *Poul. & Pace Regis fo. 34. 35. & c.*

Demandant.

Demandant est celuy que sue ou complainte on action Real pur Title de terre, & il est appel plain-tif en vn Assise, & en vn action de Det, trais, disseit, detinue, & tiels semblables.

Demandant.

Demandant is he that sueth or complaineth in an action Real for title of land, and he is called plaintiff in an Assise, & in an action personal, as in an action of debt, trespass, detour, detinue, and such like, &c.

Demeines.

Demeines, ou Demeines, generalment a parler solouque le ley, sont tous les parts de asc Manor quel ne sont en maines des Freeholders d'estate de inheritance,

Demeines.

Demeines, or Demeines, generally speaking according to the law, be all the parts of any Manor which be not in the hands of freeholders of estate of inheritance

though they be occupied by
Coppholders, *Kilmer* for
yeares or for life, as well as
tenant at will. And the rea-
son why copphold is accom-
ted demesne, is because that
they which be tenants unto
it are aduoged in *Kilmer* to
have no other Estate but at
the will of the Lord, so that
it is still reputed to bee in a
manner in the lord's hands;
and yet in common speech
that is ordinarily called de-
mesne, which is neither free
nor copie. And this word
demesne is sometimes used
in a more speciall significati-
on, and is opposit to frank-
fee, as those lands which
were in the possession of Ed-
ward the Confessor, are cal-
led ancient Demesne, and al
others are called frank-fee.
Kytchen fol. 98. and the te-
nants which hold any of
those lands are called Te-
nants in ancient Demesne,
the other, Tenants in frank-
fee. And no common per-
son hath any Demesne in
the simple acceptation of the
word, because there is no
land but that it dependeth
mediately or immediately of
the Crowne, that is, of
some Honour or other be-
longing to the Crowne, and
not granted in fee to any in-
feriour person, and therefore

coment soyent occupies per
Tenaunt per Copie de Court
Rolle, Lessees pur ans, ou
pur vie, cybien come tenant
a volunt. Et le reason que
Copiehold est account De-
mesnes, est pur ceo que ils
que sont Tenants a cro, sont
adiudge en ley dauer nul au-
ter estate forsque al volunt
del Seignieur, issint que il est
iammes repete destre en vn
manneren les maines le seig-
niour; & vncore en com-
mon parlance il est vsual-
ment appelle Demesnes, que
nest ou free ou copie. Et cest
parol Demesne est ast' foyts
vse en vn plus special signi-
fication, & est opposit al
Frank fee, sicome ceux tres
qux fueront en le possession
de *Edouart* le Confessor, sont
appelle ancient Demesne, &
touts auts sont appel frank-
fee, *Kytchen fol 98.* Et les te-
nants que tient ascun de ceux
tres, sont appelle Tenants en
ancient Demesne, les auters,
Tenants en frank-fee. Et nul
commo' pson ad asc' d' mesne
en le simple prisance del pol,
p' ceo que la nest ascun tre,
mes que il depend mediatmt
ou immediatmt del Corone,
ceo est, de ascu honor ou aut,
appertient al Corone, & ney
graunts en fee al ascun infe-
riour person, & pur ceo
R 3 quant

The Exposition of

quant vn home en pledant
voile enferre son terre destre
son demefne, il dit, Que il est
ou fuit seisie d'ceō en son de-
mesne come de fee, *Littleton*,
fol. 3. per que appiert, que ni-
ent obstant son terre soyt a
luy & ses heires a tous iours,
vacore il nest voier demefne,
mes dependant sur vn Seig-
nior paramount, & tiendrāt
per seruice ou rent, en lieu de
seruice, ou per seruice & rent
ensemble.

- Demaines solonquel com-
mon parlanec, sont solenient
entend le principal mannour
place del Seignior, que il &
ses Ancestors ont ewe de tēps
hors de memorie, en leur
maines demefne, & ont oc-
cupie ceo, ensemble oue tous
edifies & meafons quecun-
que: Et auxy les piees, Pa-
stures, Boys, ēres cyrable, &
tiels semblables oue ceo oc-
cupie.

When a man in pleading
will aggrue his land to be
his owne, he saith that he is
or was seised thereof in his
demesne as of fee, *Littleton. f. 3.*
Wherby it appeareth, that
although his Land bee to
him and his heires for ever,
yet it is not true Demefne,
but depending vpon a supe-
rior Lord, and holding by
seruice or rent, in lieu of ser-
uice, or by seruice and ren-
t together.

Demesnes according to
the common speech be onely
understood the Lords chiefe
Mannor place, which he &
his ancestors haue fro time
out of minde kept in their
owne hands, & haue occupi-
ed the same, together with al
buildings & houses whatso-
euer: Also the Meadowes,
Pastures, woods, eyrable
Lands, and such like, there-
with occupied.

Demaund.

Demaund est vocabulū Ar-
tis, & si vn releas a vn
auter tous demaunds, ceo
est (come *Littleton. fol. 117. a*
dit) le plus meliour Release
a luy, a que le Release est
fait, q'il poert auer & plays

Demaund.

Demaund is a word of
Art, and if one Release
to another all Demaundes,
this is (as *Littleton. fol.*
117. a. saith) the best Re-
lease to him to whom the
Release is made, that he
can haue, and shall most
enure

more to his advantage, for
by it not onely all De-
maunds, but also all causes
of Demaunds are released.
And there are two manner
of Demaunds, that is to
say, in Deed and in Law:
In Deed, as in every Pre-
cipe there is expresse De-
mand, and therefore in Re-
all Actions he is called De-
mandant, in personal plai-
ntiffs in Law, as every En-
trie in Land, Distresse for
Rent, taking of leasure of
Gods, and such like Acts,
in the Countrey, which may
be done without any words
are demands in Law: As a
Release of Suits is more
large than a Release of
Quarrells or of Actions:
so a Release of Demaunds
is more large and beneficiall
than either of them, for by
it is released all that which
by the others are released,
and more. By Release of
all Demaunds, all Free-
holds and Inheritances
excepted are released: By
release of all Demaunds to
the Disseisor, the right of
Entrie in the Land, and all
that is contained therein, is
released: By Release of all
Demaunds, all Executions
are released: and hee that
releaseth all Demaunds, ex-
cludeth himselfe from all

vera a son advantage, car
per ceo non seulement tous
Demaunds, mes aury tous
causes de Demaunds sont
release. Et sont deux man-
ners de Demaunds, cestas-
cavoire, en Fays & en Ley;
en Fays, come en chescun
Precipe la est expresse De-
maund, & pur ceo en Real
Actions il est appelle De-
maundaunt, en Personall,
Plaintife: En Ley, come
chescun Egre en Terre, Dir-
stresse pur Rent, prisell, ou
seisure des Biens, & sembla-
ble Acts en Pays, que poient
estre fays sans ascun parols
sont Demaunds en Ley.
Sicome Release de Suits est
pluis large que Release des
Querels, ou de Actions: ist
sint Release des Demaunds
est pluis large & beneficiall
que ascun de eux, car per ceo
est release tout ceo que per
les autres sont release, &
pluis. Per Release de tous
Demaunds, tous Frankete-
nemens & Enheritances ex-
ceutory sont release: Per Re-
lease de tout Demaunds al
Disseisor, le droit de Entrie
en le Terre, & tout que est
cōtēne deins ceo, est release:
Per Releas de tous Demāds
touts Executions sōt releas:
& cestuy q releas tous De-
māds, exclud luy sh de tous

A Actions, Entries, & Scifures.
 Et Littleton fol. 170. teygne,
 Que si Tenant en Tayle en-
 feoffe son Vncle, le quel en-
 feoffa vn aut' en fee oue gar-
 rantie, si apres le Feoffee per
 son fait releffa a son Vncle
 tous manns de Demands,
 perciel Release, le Garrantie,
 que est Couenant real & ex-
 ecutorie, est extinct: & l'ac-
 tion de tout ceo est: pur ceo
 que per release des demands,
 tous les manns & remedies,
 & les causes de eux, que asci-
 ad al' Terres, Tenemens, Bns,
 Chateaux, &c. sont extincts: &
 per consequence, le droyt &
 interest mesme al' chose: vn-
 core releas de tous demands
 ne extend a tiels Briefes, per
 queux riens est demand, neq;
 en Fayt, neque en Ley, mes
 gison: solement a relievier le
 Plaintife per voy d' discharge
 & nemy per voy de demand,
 est releas de tout demands
 pest barre en briefe de Error,
 de tener vn Vclagarie, &
 issint des semblables. Veies
 22. Edw. 3. 59. Coke lib. 8. fol.
 153. 154.

Demy sanke, ou sanguis.

Demy sanke est quant vn
 home marie vn femme, &

Warrant, writte & scifures.
 And Littleton fol. 170. holdeth,
 Que si Tenant in tayle en-
 feoffeth his Uncle, who en-
 feoffeth another in fee with
 warrantie, if after the feoffe
 by his Dad releaseth to his
 Uncle all manner of De-
 mands, by such Release, the
 Warrantie, which is a Co-
 uenant real and executorie,
 is extinct: and the reason of
 all this is, because that by
 release of Demands, all the
 manns and remedies, and
 their causes, which any hath
 to Lands, tenements, goods,
 chattels, &c. are extinct, and
 by consequence, the right and
 interest it self unto the thing:
 Yet a release of all demands
 doth not extend to such
 writs by which nothing is
 demanded neither in deed, nor
 in law, but is onely to re-
 lieue the plaintife by way
 of discharge, & not by way of
 demand, as a release of all de-
 mands is no bar in a writ
 of Error, to reuerse an Out-
 lawrie, and so of such like.
 22. Edw. 3. 59. Co lib. 8.
 fo. 153. 154.

Halfe bloud.

Halfe bloud is when a
 man marrieth a woman
 hath

hath issue by her a sonne or daughter, and the wife dyeth, and then hereafter another woman, and hath by her also a son or daughter, Now these two sonnes are after a sort brothers, as they are termed, halfe brothers, or brothers of the half blood, that is to say, brother by the fathers side, because they had both one father, and are both of his blood, and not brothers at all by the mothers side, nor of blood ne kin that way, and therefore the one of them cannot be heire to other, for hee that will claime as heire to one by descent, must be of whole blood so him from whom he claimeth. In the same manner it is if a woman have diuers issues by diuers husbands, who are called Brothers by one mother.

ad issue per luy vn fitz ou File, & le Fememorust, & donques il prist vn auſ feme, & ad per luy auxy vn Fitz ou File, Ore ceux Fitz sont solonque vn manner Freres, ou come ils sont appellees de my Freres, ou Freres del de my Sanke, cest adire, Frere per le part de pier, pur ceo que ils ont ambideux vn pier, & sont ambideux de son Sangue, & nemy freres per le part le mere, ne de aucun sanke ou kinnecest voy, & pur ceo lun de eux ne poert este Heyre al auter, car il que voyle claime come heyre al vn per discent, doyt este d'entire sanke a luy de que il claime. En mesme le maner est, si feme eyre diuers issues per diuers Barons, qui fratures vterini dicuntur.

Demurrer.

Demurrer.

Demurrer is when any Action is brought, and the Defendant pleadeth a Plea, to which the Plaintiff answereth, That he will not answer, for that it is not a sufficient Plea in the Law, and the defendant saith to the contrary,

Demurrer est quante aucun Action est port, & le Defendaunt plead vn Plee, a que le Plaintiff dit, Que ne voyle respond, pur ceo que il neit sufficient Plee en Ley, & le defendant dit al contrarie, Que

2. 2. 118.
p. 72

The Exposition of

que il est sufficient Plee, & sur ceo ambideux miste ont le cause al iudgment d'el Court, donqs c' e' appel vn Demurr, pur ceo que ils ne yaont ouster en pleading, mes demur sur le iudgement de cel poynt, & dicent en Latyne vse en les Records, *Moratur in Lege.*

Caren chescun Action le difference consist ou en Fayt, ou en Ley, si en faye, il est trie per le Pais, si en Ley, donques matter est ou facil, ou dure & rare; si il foyt facile, donques iudgement est immediatement done: mes qnt il est dure & en awrust, donques la est demurre fayt, & temps prise ou de consider ouster sur ceo per les Iudges, de agreer si ils poyent, ou autrement pur tous les Iustices de venir ensemble en le Exchequer Chambre, & sur oyer de ceo que les Sergeants dieront de ambideux parts, de aduise & determiner que est Ley, & ceo que est la conclude per eux, estoiera firme, sauus auter Remedie.

that it is a sufficient plea, & thereupon both parties doe submit the cause to the iudgment of the Court, the that is called a Demurrer, say that they go not forwardes in pleading, but abide vpon the iudgement of that point, & is layd in the Latyne used in the Records, *Moratur in Lege.*

For in every Action the difference consisteth either in Debt or in Law, if in fact, it is tried by the Jurie, if in Law, then the matter is either plaine, or difficult and rare; if it be plaine, the iudgement is presently given: but wher it is hard & doubtful then is stay made, & time taken either to consider further thereupon by the Judges, to agree if they can, or otherwise for all the Iustices to meet together in the Exchequer Chamber, & by on hearing of that which the Serjeants shall say by on both parts, to aduise and determine what is Law, and that which is there concluded on by them, shall stand firme without further Remedie.

De

Denizen.

Denizen.

DENIZEN, or Donaison, is where an Alien boyn becometh the King's subject, & obtaineth the Kings Letters patents for to enjoy all privileges as an Englishman, but if one be made denizen, he shall pay customes & divers other things as aliens as it appeareth by divers statutes thereof made.

It seemes that Donaison is the true name, so called because that his legitimati- on is given to him, & not denizen, as deriv'd from Deins nec. And the Law is so precise in the making of denizens, that the King cannot grant to any other to make of Aliens boyns, Denizens, it is by the Law so inseparably and individu- ally annexed to his royall per- son, for the Law esteemeth it an high Prerogative, to make Aliens boyns, subjects of the Realme, & capable of lands and Inheritances of England, in such sort as any naturall boyn subject is.

And therefore the statute of 27. H. 8. cap. 24. which remitteth many of the most ancient prerogatives & Re-

DENIZEN, ou Donaison, est lou Alien nec, devient le subiect le Roy, & obtaine le Letters patents le Roy, pur inioy tous priuiledges, come vn home Anglois: Mes si vn soit fait denizen, il paye cu- stomes, & diuers autres choses cōc Alien, come appiert p diūs Statutes de ceo fait.

Il semble que Donaison est le vroy nomme issint ap- pel p ceo que son legitimati- on est done a luy, & nemy Denizen, cōc deriue de *Deins nec*. Et le Ley est cy precise en le seafans de Donaisons, que le Roy ne poyt graunter ala scun auē a faire de aliens nec, Donaisons, il est per la Ley cy inseparablement & indiuidualment annex a son Royal person, car le Ley e- steem e' vn hault prerogative, a faire aliens nec, subiects del Royalmē, & capable de Ter- res & enheritances, de Angli- terre en semblable man come asē naturall subiect nec est.

Et pur ceo L'estatute de 27. How. 8. cap. 24. que re- unite plusors del pluis aun- dient Prerogatives & Re- gall

The Exposition of

gal flowers del corone & ceo, vacore il ne pas mention aucun autorite de faire Letres de Donaisation destre resume, p' ceo que aucun ne vn-que ceo clame pas per aucun pretext quecunq; il escient vn chose de cy hault point de Prerogative. *Vice Coke lib. 7. Caluins case.*

gal flowers of the Crown thereunto, yet it maketh no mention of any authority to make letters of Donaisation to be resumed, for that neuer any claimed it by any pretext whatsoeuer, it being a matter of so high a point of Prerogative. *Idem Cod. lib. 7. Caluins case.*

Deodand.

Deodand est quant aucun home per misfortune est occide per vn Chival, ou per vn Chariet, ou per auē chose que mouant en aydant de mort, donques cel chose que est le cause de son mort, & que al temps de la misfortune moua, sera forseite al Roy, & ceo est appelle Deodand, & ceo perteyne al Al-mener le Roy, p' disposer en almes & ouer de Charitie.

Mes il nest forseit tanque le chose soit troue de Record, & purceco ils ne poyent estre clame per Prescription, & le Iurie que troue ou present le mort per riel misadventure, doient auxy troue & apprise le Deodand, *Co. li. 5. fo. 110.*

Si vn Chival percust vn home, & puis le owntr vend le Chival, & donq; le

Deodand.

Deodand is whē any man by misfortune is slain by a horse, or by a cart, or by any other thing that moueth to further the death, then the thing that is cause of his death, and which at the time of his misfortune did moue, shal be forseit to the King, & that is called Deodand, and that pertaines to the Kings Almoner, for to dispose in almes and deedes of charitie.

But it is not forseited vntill the matter be found of record, & therefore they cannot be claimed by prescription, and the Jury that findeth or presenteth the death by such misadventure, ought also to find and appraise the Deodand, *Co. li. 5. fo. 110.*

If an horse striketh one, and after wards the owner selleth the horse, and then the

partie

partie that was stricken with
eth of the stroke, in this case
the horse shalbe forfeited as
a Deodand, notwithstanding
the sale, for relation shall be
had to the stroke which
was before the sale, Plow.
Com. fol. 260. b.

Omnia que movent ad
mortem, sunt Deodanda.

partie q fuit percusse mortu
Il stroke, en c' case le chival
sera forfeit cōc Deodand, niē
obstant le vendition, car re-
lation sera al serue que fuit
paramount le vendition,
Plow. Com. fo. 260. b.

What mooves to death or kild
the dead,
Is Deodand and forfeited.

Departure from a plee
or matter.

Departure de son plee
ou matter.

DEparture from a plee or
matter, is where a man
pleadeth a plee in barre, and
the plaintife replieth there-
to, & hee after in his rejoin-
der pleadeth of the woth an-
other matter, contrarie or
not pursuing to his first
plee, that is called a Depar-
ture from his barre, as if a
man pleadeth a generall a-
greement in barre, & in the
rejoinder he alleadgeth an e-
speciall agreement, this shal
bee aduindged a departure in
pleading, is in Trespasse if
the Def. wil plead a discent
to him, and the Pl. sayth,
that after this the Def. en-
fessed him, or the Def. saith,
that this trespassment was by
an conuention in the breach
whereof he entred, this is a
departure from the Barre,
for it is a new matter: See
Plow. Com. fol. 7. & 8.

DEparture de son plee ou
matter, est lou vn home
plede vn plee en barre, & le
plaintife reply a ceo, & il
apres en son reioynder plead
ou monstre auter matter, cō-
trarie ou nient pursuant a
son primer plee en barre, ceo
est appel vn departure de son
barre, come si home pleda
vn general agreement en
barre, & en le reioynder il
alleage vn especial agree-
ment, ceo sera adiudge vn
departure en pleading; if
sint en Trespasse si le Def.
voile pleader discent a luy,
& le plaintife dit, que puis
ceo le Defendannt in fesse
luy, & le Defendant dit, que
ceo fressement fuit sur con-
dition pur lenfreind de q il
enter, ceo est departure d'l
barre, car est nouel chose:
Veies Plow. Com fo. 7. & 8.

Departure

The Exposition of

Departure en spite del Court.

Departure en spite del Court, est quant le Tenaunt ou defendant appeare al Action port enuers luy, & ad iour ouster en mesme le Terme, ou est demand apres, coment nul iour soit en mesme le terme, sil ne appeare mes fait default, cest vn departure en despire de Court, & pur ceo il serra condemne.

Et est desire observe que Departure en despire del Court est tous foits del part del Tenaunt ou Defendant, & le entry de ceo est, *Quod prædictus A. licet solenniter exactus non reuenit, sed in contemptum curie recessit & defaultam fecit*, & ceo est quant en iudgement del ley il est present en Court, & esteant demand depart en despire del Court ceo amouat a vn barre en respect del despire & contempt al Court. Veies *Coke lib. 8. fol. 62.*

Departure in despire of the Court.

Departure in despire of the Court, is when the Tenant or Defendant appeareth to the action brought against him, and hath a day ouer in the same Terme, or is called after, though hee had no day given him, so that it bee in the same Terme, if he do not appeare but make default, it is a departure in despire of the Court, and therefore hee shall be condemned.

And it is to be observed that departure in despire of the Court, is alwaies of the part of the Tenant or Defendant, and the entry thereof is, *Quod prædictus A. licet solenniter exactus non reuenit sed in contemptum curie recessit & defaultam fecit*, and this is when in iudgement of the Law hee is present in Court, and being demanded, departeth in despire of the Court, this amounteth to a barre in respect of the despire and contempt to the Court. *See Coke lib. 8. fol. 62.*

Depruue

Deprivation.

Deprivation.

Deprivation, is when an Abbot, Bishop, Parson, Vicar, Prebend, &c. is deprived or depose from his preferment for any matter in fact or in Law. As if a miscreant or Schismaticke bee presented, admitted, and inducted, there is good cause of Deprivation: so if a more lay man bee presented, admitted, instituted, and inducted, yet hee shall bee deprived: so if the Incumbent hath pluralitie of Benefices; so if hee doeth not subscribe to the Articles of Religion, according to the Statute of 25. Eliz. cap. 12.

And by the Statute of 21. H. 8. cap. 13. it is enacted that if any person having a Benefice with cure of soules of the yearly value of 20. li. or more accepteth or taketh any other sole cure of soules, and be instituted and inducted into the possession thereof, that hereupon the first Benefice shall bee void, and the Incumbent in this case is outed or deprived by session, and in the case aforesaid the Bishop needeth not to give notice to the Patron, because that the De-

Deprivation, est quant vn Abbe, Euesque, Parson, Vicar, Prebend, &c. est depriue ou depose de son preferment par ascun chose en fait ou en Ley. Come si vn Miscreant ou Schismaticque soit present, admit, & induct, la est bone cause de Deprivation: Il sint si merus Laicus soit present, admit, institue, & induct, vncore il serra depriue: Il sint si le Incumbent ad pluralitie des Benefices; il sint si ne subscriba a les Articles de Religion, selonque le Estatute de 13. Eliz. cap. 12.

Et per Lestature de 21. H. 8. cap. 13. Est enaet que si ascun person ayant vn Benefice oue *Cura animarum* del anual value de huiet liūs ou ouster, accepta ou prendra ascun autre oue cure des almes & soit institue & induct e le possession de ceo, q sur c' le prim benefice serra voyda, & le Incumbent e e' case est ouste ou depriue per Session, Et en le case auantdit ne befoigne al Euesque a doner notice al Patron, pur ceo que le Deprivation

The Exposition of

privation est per Act de Parliament, a que chescun est partie & doit prendre notice a son peril, mes au terment est si le primer esglise ne soit de annuel value de huit liures, car donc que ceo est voide merement per le ecclesiastical ley, dont le patron re besoigne appren- der notice a son peril. *Veies Coke, lib. 4. fol. 76. & lib. 7. 43. b.*

privation is by act of Parliament, to which every one is party & ought to take notice at his peril, but otherwise it is if the first Church be not of the yearly value of eight pounds, for then it is void merely by the Ecclesiastical Law, whereof the Patron needs not to take notice at his peril. *See Coke, lib. 4. fol. 76. and li. 7. 43. b.*

Deputie.

DEputie est celuy que occupia en autre droit, soit ceo Office ou aucun autre chose, & son forfeiture ou misdemeanor causera l'office ou celuy quel Deputie il est, de perdre son Office ou chose. Mes vn ne peut faire son Deputie en tous cases, nisi le graunt soit issint: sicome il soit oue ceux ou tiels semblables parolx, *Extendo per se, vel sufficientem deputatum suum*, ou si les parolx va ouster, *Per se vel deputatum suum*, aut *deputatum deputati*, donques il peut faire vn deputie, & son deputie, auxy peut faire vn deputie autrement nemy. Cœ si le office de Parkership soit grant a vn, il ne peut grant

Deputie.

DEputie is he that occupieth in another mans right, whether it be Office, or any other thing else, and his forfeiture or misdemeanor shall cause the officer, or him whose deputie he is, to lose his Office or thing. But a man cannot make his Deputy in all cases, except the graunt be: as if the word those or such like words. To suffice or be by himselfe or his sufficient Deputie, or if the words goe further, To himselfe or his Deputie, or the deputie of his deputie, then he may make a Deputie, and his Deputie also may make a Deputie, or else not: For if the Office of a Parkership be granted to one, he cannot grant

this ouer to another be-
cause it is an office of trust
and confidence, and shal not
be forfeited: And there is
great diuersitie betwene
deputie and assignes of an
Office, for an assigne is a
person which hath an estate
or interest in the Office it
selfe, and doeth all things
in his owne name, for
whom his grantor shall not
answer but only it be in es-
pecial cases, but a deputy
hath not any estate or
interest in the Office, but is
only the shadow of the offi-
cer, and doeth all things in
the name of the officer him-
selfe, & nothing in his owne
name, & for which his gran-
tor shal answer: and where
an Officer hath power to
make assignes, hee may im-
plicitly make deputies, for
hee that may doe more, it
ought not to be held vnlaw-
ful to him to do lesse, & there-
fore when an office is gran-
ted to one & to his heires, by
this he may make assignes &
by consequence he may make
deputies. The 2. by his let-
ters Pat. comitteth to the
sheriffe The custodie of the
Countie, without expresse
wordes of making deputy, &
yet he may make an under-
sheriffe: likewise, his deputy
to whome befores the sherrif of

aco ouster a vn autre, pur
ceo que est office de trust &
confidence, & ne sera for-
fait: Et la est grand diuer-
sité inter deputy & assignee
d'un Office, car vn assignee
est person que a estate ou
interest en le Office mesme
& fait tous choses en son
nosme demesne, pur que son
grantor ne respondera si non
que soit en especial cases,
mes vn Deputy n'ad aucun
estate ou interest en le office
mes est forsque le vmbre
del officer & fait tous cho-
ses en le nosme del officer in,
& rien en son nosme de-
mesne, & pur que son gran-
tor respondera: Et quant
vn Officer ad power a faire
assignes, il poit implicate
faire deputies, car cui licet
*quod maius est, non debet
quod minus est non licere,*
& pur ceo quant office
est graunt a vn & a ses
heires, per ceo il poit faire
assignes, & per conse-
quence il poit faire depu-
ties. Le Roy per ses Let-
ters Patents committ al
Viscount *Custodiam Comi-
tatus*, sauns expresse pa-
rols de faire deputy, &
vncore il poit faire vn
South-Viscount, cest a sca-
uoire son deputy: Issint
quant deuant le statute de
S. quia

The Exposition of

Quia emptores terrarum, le Roy ou auter Seignieur ad donc terres a vn chivalier a tener de luy per Service de Chivalier, cest adire, Saler oue son Seignieur quant le Roy fait voyage Royal a subduer ses enemies, pur 40. iours bien & couenablement array pur le guerre, ore il poit trouver auter able person, vncore en l'un case il concerna le publique administration & execution del Iustice entemps de peace, & en l'auter le publique defence del Royaume en temps de guerre. Vies Coke lib. 4. Le Countee de Salops case.

Quia emptores terrarum, the King or other Lord hath given Lands to a Knight to hold of him by Knights service, that is, to go with his Lord when the King maketh a voyage Royall to subdue his enemies for 40. dayes well and conveniently arrayed for the warre, yet he may find another able person, howbeit in the one case it concerneth the publique Administration and execution of Justice in times of peace, and in the other, the publique defence of the Realme in times of warre. See Coke lib. 9. Le Countee de Salops case.

Dereyne.

Dereyne est prise en diuers manners, & semble a venir del parol Francoos *Disarroyer*, ceo est, confondre ou mitter hors de order, ou auterment del Norman parol *Desrene*, que est le denial del proper fait d'un home, & *Lex dei* sicut fuit le prooe d'un chose que vn denia destre fait per luy mesme, que son aduersarie affirme destre fait, defeatant & confondant le assertion de son aduersarie, & monstrant

Dereyne is taken in diuers sorts, and seemeth to come from the french word *Disarroyer*, that is, to confound or put out of order, or else of the Norman word *Desrene*, which is the denial of a man's owne Wit, and *Lex dei* sicut fuit the prooe of something which one denieth to be done by himselfe, which his aduersarie affirmeth to be done, defeating and confounding the assertion of his aduersary, and showing

Dereyne.

it to be without and against
reason. or probabilitie
which be enoucheth: And
in our Law it is diversly
used, first generally to
prouer, as, Duracionabit
ius suum hæres propin-
quior, Glanville lib. 2. cap. 6.
and hee lib. 4. cap. 6. saith
habeo probos homines
qui hoc viderunt & au-
dierunt & parati sunt hoc
demonstrare. In the same
manner Bracton useth it in
these wordes, habeo suffici-
entem distraccinationem &
probationem. By the Statute
of 1. H. 3. ca. 1. Jointenants
and tenants in Common,
shall haue ayde to the tri-
all to deraigne the Gar-
rantie paramour. & So
Plow. in Manxels case fo. 7.
In this case, if a man
be an estate in fee with
warrantie, and entresleth a
stranger with warrantie &
death, & the feoffee denieth
his heire, the heire shall de-
raigne the first warrantie.
Wherby word is used wher
religious men, forsake their
orders & professions, as in
Kitch. fo. 152. b. if a man ma-
keth a lease for life upon con-
dition that if the lessee dyeth
without fine, then the les-
see shall haue fine, the lessee
enters in religion & then the
lessor dyeth without fine, &

ceo desire sauns & caners
reason, ou probabilitie que
est auouch: Et en nostre
ley il est variouement vse,
primerment generalment
de prouer, come, Duracion-
bit ius suum hæres propin-
quior. Glanville lib. 2. cap. 6.
& il, lib. 4. cap. 6. dit, ha-
beo probos homines qui hoc
viderunt & audierunt, &
parati sunt hoc demonstrare,
En mesme le maner Brac-
ton ceo vse en ceux parols,
habeo sufficientem distrac-
tionem & probationem.
Per le statute de 1. Hen. 3.
cap. 1. Jointenants & Te-
nants en Common auerons
ayde al intent a deraigner
le garrantie paramours,
l'issue Ploud. in deniens case
fol. 7. b. ad cest case, si home
adeste en fee out garran-
tie, & infessee estranger
out garrantie & morust, &
le feoffee vouch son heire
le heire deraignera le pre-
mier garrantie. Auxy cest
parol est vse quauant reli-
gious homes wajur leur
orders & professions, come
en Kitchin fol. 152. b. si
home fait lease pur vie sur
condition, que si le lessor
deux sauns issue que don-
quet le lessor aitra fee, le
lessor enter en religion, &
puis le lessor deux sa issue &
puis

The Exposition of

puis le leſſee eſt deſaigne il
n'aura ſee tant que al tēps
de l'condition le ſee ne poit
veſt aq luy.

after the leſſee is deſaigned
he ſhall not haue ſo inſo-
much as at the time of the
condition the ſee cannot veſt
in him.

Det.

DET eſt vn Briefe, & giſt
ſou aſcun ſomme d'ar-
gent eſt due a vn per rea-
ſon de accompli, bargain,
contract, obligac^{on}, ou auter
eſpecialtie, a eſtre pay a aſcun
certaine iour, a quel iour il
ne paia pas, donques il aueſt
ceſt Briefe. Mes ſi aſcun
ſomme de argent ſoit due a
aſcun Seignior per ſon tit, ou
pur aſcun Rent Seruice, le
Seignior ne vna aſia aſti-
on de Det pur ceo, mes il
ſouient ſouſ foits diſtrecte
pur ceo. Aux pur Rens
Charge ou Rent Secke, quel
homme ad pur terme de ſon
vie, en taile, ou en fee, il
haue aſtion de Det cy
longe come le rent cadute,
mes ſes executors poient
auer vn aſtion de Det pur
les arrearages de aſcun des
dits rents due en le vie iour
reſtator, per le ſtatute 32.H.
8.ca.37.

Mes pur les arrearages de
Rent reſerue ſur vn Leaſe
pur terme de ans, le leſſor
eſt a ſon election de auer
aſtion de Dette, ou pur

Debt.

DEBT is a ſorte, and it is
eſty to here any ſomme
of money is due to a man
by reaſon of account, bar-
gaine, contract, obliga-
tion, or other eſpecialtie, to
be payed at a certaine day,
at which day heſ payed
not, then he ſhall haue this
ſorte. But if any ſomme of
money be due to any lord
by his tenures for any rent
ſervice, the lord ſhall not
haue aſtion of Debt for
that, but it becometh his
aſtiſon to diſtrecte for it.
Also for rent charge or reſer-
uſe, which any man ſhall
for life, in taile, or in fee, he
ſhall not haue any aſtion
of Debt as long as the rent
continueth, but his execu-
tors may haue an aſtion
of Debt for the arrearages of
any of the ſayd rents, both
the life of their teſtator by
the ſtatute 32.H.8.ca.37.

But for the arrearages of
rent reſerued upon a Leaſe
for terme of yeares, the leſ-
ſor is at his election to haue
an aſtion of Debt, or ſo to
diſtrect

distreyns; but if the Alese be determined, then he shall not distreyn after for that Rent; but he must have an Action of Debt for the arrears.

And note, That by the Law of the Realme Debt is only taken to arise upon some Contract or penalitie imposed upon some Statute or paines, & not by other offences, as in the Civill Law, *Debitum ex delicto*.

If a man enter into a Tavern to drinke, and when he hath dranke hees goeth away, and will not pay the Quener, the Quener shall not have an Action of Contract against him for his moneys, but shall have an Action of Debt for the same.

If I deliver cloath to a tailor to have a gown made, & the price is not agreed on in certain before, how much I shall pay for the making, he shall not have an Action of Debt against me, that is to say, a general Action of Debt; but in such case the price shall be a speciall Action of Debt, and shall be a speciall Action, & he shall be bound to the price he hath agreed upon.

distreyners. Mes si le loen soit determine, donques il ne distreynera apres par cel loen: Mes pour ce luy donner une Action de Debt pur les arrears.

En outre, Que par la Ley del Realme, Debt est seulement prisé de l'ordre sur aucun contract ou penalite imposee par aucun Statut ou paines, & ne par d'autres offenses, come en le Civile Ley, *Debitum ex delicto*.

Si home enter Tavernne a boyer, & quant il ad boye, il de ala & ne voet pay le tavernier le Tavernier n'aura Action de Trespass vers luy, pur son entre, mes aura Action de Debt par le vin.

Si l'on delivre draps a un Taylor pour en faire une robe, si le prix ne soit agreee en certain deuant, combien l'on payera pour la festeure, il n'aura Action de Debt vers moy, cest assavoir une general Action de Debt, mes en tel cas le Taylor aura special Action de Debt, & contre specialment, de il sera mis al Jorie, quant il deservra.

Mais si vn Taylor fait vn Bill, &c. il mesme rate le fau-
sinee de les necessarios a ceo,
il naura l'Action de debt pur
ses values de mesme, sinon que
suir l'insist especialmēt agreee,
mer en tel case il poit deley-
ner le garment tanq. il soit
satisfait, come vn Hostler poit
le chinal de son guerd, par vi-
ands per luy prise, Co. d. 8. 147.

But if a Taylor make a
Will, and himselfe watch the
making and the necessities
thereunto, he shall not have
an Action of Debt for his
owne valuing, briefe that it
was so specially agreed, but
in such case hee may detain
the goods until he be paid,
as our author may his goods
hope for must by him taken,
Coke lib. 3. 147.

Denaftanerum bona
Testatorum.

Deuxieme est bonz Testa-
mentz, et quant les Ex-
ecutors voient deliurer les Lega-
iers que leur Testat ad donne
ou faire restitution pur leurs
faits par luy, ou pay les debts
due sur Contrahs, ou auters
debtz, ou sur specialitez que
leur Testat payement ne font
satisfaisre, ou ne font satis-
faire en tout ou en partie pur
discharge de cez debts, ou Re-
mission ou dispensation, que
en courrouxellable premier
appel de la Ley de France,
adunqz veulz l'eneste contrain-
dre, payer de tout biens de
l'autre come d'autre, le quel
est premier perle Ley de l'au-
torite compelles de payer ac-
cordant al value de ceo que

**Deiustatuerunt bona
Testatoris.**

[illegible]

they deliuered or payed by compulsion, for such payments of debts or deliueris of legacies, as is aforesayd, before debts payd upon specialties and Records, whose dayes of payment are ascertained, are accounted in the Law, a waisting of the goods of the Testator, as much as if they had given them away without cause, or sold them and converted them to their own use.

And therefore if A. be bound in a Recognisance or in a Statute Staple, and after recognisance is had against B. in an action of debt, & A. maketh his executors and heirs, his executors are bound by the law to pay the debt due upon the recovery, although that it be later, before the debt due by Recognisance or Statute, become, that although that both are Records, yet the judgment in the R. Court, hath intell and ordinarie meaning, is made before such and such things, and of a more high and certain degree than a Statute or Recognisance, and in Statute and by consent of parties, and therefore preferred in Judgment of the Law before Recognisance or Statute, & if the executors do not

ils deliuerount ou pay sauns compulsion, car tiels payments de debts, ou deliuerie de Legacies, come est auant-dit, deuant Debts payes sur Specialties ou Records, quel iours de payment sont ascertenus, sont account en le Ley vn wastant des biens del Testatour, cy traunt come si il ad done euz sauns cause, ou vend euz & casuets a leur proper vice.

Et par ceo si A. foyt Recog-
nissance, ou en
Statute Metchaunt ou Sta-
ple, & puy recouerie est
eue vers A. en Action de
Debt, & A. faye ses Executors,
& morust, ses executors sont
tenus per la Ley a payer le
Debt due sur le Recouerie, co-
ment que foyt puihe de-
uaunt le Debt due per Re-
cogissance ou Statute, par
ceo que l'ouens que am-
bideux sont Records, vacote
le iudgement en le Court le
Roy, sur indicial & ordinari
proceeding, et plus notori-
ous & certain que de
plus hault & certain de
grade. Et Statute ou Re-
cogissance prise en prius &
per consent des parties, &
peo prefere en iudgment del
ley deuant Recognisance ou
statute, & si lexcutors ne ceo

The Exposition of

primement satisfa, dunque
sils nont des biens le mort en
leur maines, ils responderont
ceo de leur biens demesme. Il
sunt le Ordinaire ayant biens
d'un que moruist intestat, en
ses maines per sequestration,
Et va Action de Debt sur va
Obligational value des dits
biens, soit port vers luy come
Ordinaire, il ne disposera ou
admission aucun parcel de
les dits biens a les autres cre-
ditors son pleasure, mes est
ten' a satisfaire le debt primes,
de quoy n Action e attempte
vers luy. Dyer 10, 332, pla-
cno 5.

DEux deux en vn Brief di-
 rent al Eſcheator, quant
 aſſez Tenant le Roſne que ti-
 enſent. Ceſle monde ſe ſquif
 ſon ſiſſe le heire deſmaige, de
 celledie le Roy morut, dō-
 que ceſt Brief ſiſſe, com-
 mandement le Eſcheator,
 Que il ne le ſcrement de pro-
 bēs & loyals homēs, enſuire
 que Tenentur Tenementa p-
 le mort le Tenant, ſeigne
 al Roy ſon Vieuy. ſeigne
 Ne.

little and pay this first, the if they have no goods of the dead in their hands, they shall pay it of their owne proper goods. As the ordinary having goods of one that dieth intellat in his hands, by sequestration, & an Action of debt upon an obligation, to the value of the said goods is brought against him, an ordinary, he shal not disclose or administer any parcel of the said goods to the other creditors of his deceased, but in answer to the bill he be first paye thirty an nati in pson against him, Dy. f. 32. pl. 5.

[illegible]

Deuest.

Deuest is a word contrary to Inuest, for as Inuest signifyeth to deliver the possession of a thing, so Deuest signifyeth the taking away of the possession.

Deuise.

Deuise is to leave a man in his possession of a thing, as bequeatheth his goods or his lands to another after his decease. And whereof each Deuise is made of three, if the Executor will not deliver the goods to certain persons in the Deuise, the Deuise hath no remedy by the common law, but it behooveth him to sue a writ against the Executor of the will, to compel him to deliver the goods to the persons named in the will of the Testator, for the Deuise may not take effect, if the Executor will not deliver the goods to the persons named in the will of the Testator.

And where the Deuise is made of three, the Deuise hath no remedy by the common law, but it behooveth him to sue a writ against the Executor of the will, to compel him to deliver the goods to the persons named in the will of the Testator.

Deuise.

Deuise est un parol contrary al Inuest, car come Inuest signifie a trader le possession d'un chose, issint Deuest signifie lauerance d'un possession.

Deuise.

Deuisee lou vñ son Testamen, donec ou grant ses biens ou les terres a vn auter apres son decease. Et lou tuel Deuise est fait des biens, si les Executors ne voylent deliuer les biens au auter chascels personals a le Deuisee, le Deuisee n'ad remede per le Common Ley, mes il couient de auer vñ Citation vers les Executors le Testatour, d'appareir deuant le Ordinary, de monstret p quoy il ne performe le volent le Testatour, car le deuisee ne pouz finir la legacie de luy si seurt, mes il doit estre deliui a luy per les executors.

Mais si le Common Ley, si home fait sole seisse de terres en son demesne come de fee, de deuisa les Terres de son testament, cest Deuise fait

The Exposition of

fuyt voyde, sinon le Terres fueront en Ville ou Burrough, lou Terres sont deuifable per Cufume. Mes si aucun home fuiffait enfeoffe al vfe d'un auter & fes heires, & cefly a que vfe il fuit iffint feifse feifoit deuife de fes Terres, cest Deuife fuit bone, comment que il ne fuit en Ville ou Terres font deuifable.

Auxy si aucun home deuife terres en Citie, Ville, ou Burrough deuifable, & le Deuifour deuife, si fon heire ou aucun auter debate en les terres, donques le Deuifce aura Brieft de *xx* *grants* *quarrels*. Mes cest Brieft ne terra iammes plede deuant le Iustice le Roy, mes tous foyts deuant le Maior ou Bailif en le dit Ville.

Et ore al fine de monstre quant les Leyes de cest Roy alme, & les discreit Judges de ceo, queus font les Interpreters de le ley, des faubour Volunters & Testaments, & issint Deuifses, en yceling al euectet resonnable construction come ils pensent poibien a greer che li legementes de les lores, considerantes que Volunters & Testaments sont pur le plus part, & per commun intende-

was void, vnlesse the lands were in Citty or Burrough where lands be deuifable by custome. But if any man were infeoffed to the vfe of another and his heires, and he to feoffe his heires so feifse, he make deuifce of his lands, this deuifce was good, though it be not in a towne where lands are deuifable.

Also if any man deuife lands in Citty, Towne, or Burrough, deuifable, and the Deuifour deuife, if his heire or any other debate in the lands, then the Deuifce shall haue a writ of *xx* *quarrels*. But this writ shall neuer be pleaded before the Iustice of the King, but alwayes before the Maior or Bailif in the same towne, and it shal be to them as much the more of this meaning, and the more discreit Judges of that towne are the Interpreters of the law, and so shall a testimony, and so shall in reason to them, as a resonnable construction of their meaning, and so shall in the mind of the Judges considering the law, and testaments are in the most part, and per commun intende-

ment made when the Testator is now verie sick, weak, and past all hope of recoverie: For it is a received opinion in the Counsell amongst most, that if a man should chance to be so weak as to make his Will in his god health, when hee is strong, of good memorie, and hath time and leisure, and might aske counsell; if any doubt were, of the Learned, that then he should not live long after, and therefore they deferre it to such time when as it were more convenient to apply themselves to the dispositions of their Soules, than of their Landes or Goods, except it were that by the fresh memorie and recitall of them at that time, it might be a cause to put them in mind of some of their Goods, or Landes, false gotten, and so moove them to restitution, &c. And altho that time the penning of such Wills are commonly committed to the Minister of the parish, or to some other more ignorant than he who knoweth not what words are necessarie to write an Estate in Fee Simple, Fee Tayle, for terme of life, or such like, besides many other mischiefs: I will

ment fait quaut le Testateur est ore en grand langour, feeble, & passa tout sperans de recouerie: Car il est vn opinion en le Payes, inter le g'einder nombre, que si vn home per chance soit ey prudent, come de faire son Volunten son bone sanitie, quaut il est strong, de bone memorie, & ad temps & opportunitie, & poyt demaunde councel, si ascun doubt soyt, de le Learned, que donques il ne doyt viuer long apres, & pur ceo ils ceo deferre tanq' tiel temps q'it ceo soyt pluis convenient de applyer eux mesmes a le disposition de lour Almes, que de lour Terres & Biens, sin q' que il soyt que per fresh memory, & recitall de eux a cest temps, il poit estre vn cause de miter eux en ment de ascun de lour biens ou Terres fausement purchase, & issint moue eux al restitution, &c. Et a cest temps le e'scripture de tiels Volunts sont communement commit al Minister del Paroch, ou al ascun autre plus ignorant que luy, que ne scauait queux parols sont necessarie pur faire vn Estate en Fee simple, Fee Tayle, pur terme de vie, ou tiels semblables, prater diuers auts mischiefs: Leo voit pur

The Exposition of

pur ceo mis si aucuns de ceux cases queux sont plus commun en les bouches de les ignorant homes, & portor per l'icauient interpretations de les iudges, come est auãdit, vn large & plus fauorable sence en Volunts, que en Fairs.

Et pur ceo primerment, si vn deuise al I.S. per son Volunt, tous ses Terres & Tenements, icy non seulement tous ceux Terres que il ad e possession passent, mes auxy ceux de que il ad en reuerfion, p vertue de ceux parols Tenements.

Et si Terres sont deuise a vn hom, a auer a luy imperpetuum, ou auer a luy & ses assignes, en ceux deux Cases le Deuisee auera Fee simple. Mes si soyt done per feoffement en tiel manner, il nad forsqe estat pur terme de vie.

Auxy si vn hom deuise ses Terres al autre, pur doner, vender, ou faire de ceo a son volunt & pleasure, cest Fee simple.

Vn deuise fait al vn & a ses hies males, fait vn estat tail: Mes si tiels parols sont mis e vn fait d'leoffment, il serã prise fee simple, pur ceo q il nappert de q corps les heirs males serã engender.

therfore here set down some of those cases that are most common in ignorant Mens mouths, and be carry by the wise interpretations of the Judges, as is aforesayde, a larger and more favourable sence in wolls, than in Deeds.

First therefore, if one deuise to J. S. by his will all his Lands and tenements, here not only all those lands that he hath in possession he passe, but also those that he hath the reuerfion of, by vertue of those wordes, Tenements.

And if Land be deuised to a man to haue to him for euer, or to haue to him & his assignes, in these two cases the deuisee shall haue a Fee simple. But if it be giuen by feoffment in such manner, hee hath but an Estate for terme of life.

And if a man deuise his Land to another, to giue, sell, or doe therewith at his pleasure or will, this is Fee simple.

A deuise made to one & to his heires males, doth make an estate tail: But if such wordes be put in a Deed of feoffment, it shall be taken a Fee simple, because it with not appere of what body the heires males shall be engend.

If Lands bee giuen by Deed to J. S. and to the heires males of his bodie, or who hath issue a daughter, who hath issue a sonne, and dyeth, there the Land shall returne to the Donor, and the sonne of the daughter shall not haue it, because hee cannot conuey himselfe by heires males, for his mother is a les thereto: but otherwise it is of such an devise, for there the son of the daughter shal haue it, rather than the will shal be void.

If one deuise to an Infant in his mothers belly, it is a good deuise, otherwise it is by feoffment, graunt, or gift, for in those cases there ought to be one of abilitie to take presently, or otherwise it is void.

A deuise made in fee simple without expresse words of heires, is good in fee simple.

But if a deuise be made to J. S. hee shall haue the Land but for terme of life, for those words will carrie no greater estate.

If one will that his son J. shall haue his Land after the death of his wife, here the wife of the donor shall haue the land first for terme of life. So likewise if a man deuise his goods to his

Si Terres sont done per fait al J. S. & a les heires males de son corps, &c. que ad issue fille, que ad issue fils & morust, la le Terre reuertera al Donour, & le fils de fille auera ceo, pur ceo que il ne poit a luy mesme conuey per heires males, car la mere est vn obstacle a ceo: Mes autrement est de tiel deuise, car la le fiz del fille ceo auera plustost que le volunt serra void.

Si vn deuise al enfant en ventre matris sua, cest bone deuise, autrement est per feoffement, graunt, ou done, car en ceux cases il doit estre vn del habilitie pur prendre maintenant, autrement il est void.

Vn deuise fait en fee simple sauns expresse parols del heires est bone en fee simple.

Mes si vn deuise soit al J. N. il auera les Terres forsqe pur terme de vie, car ceux parols ne voient porter greinder estate.

Si vn voile que son fiz I. auera son Terre puis le mort sa feme, icy le feme le deuisor auera le Terre primes pur terme de sa vie. Iffint si home deuise ses biens a sa feme

The Exposition of

feme, & que apres le decease de son feme, son fits & heire auera le meafon ou les biens font, la le fits nauera le meafon durant le vie de le feme: Car il appiert que son intent fuit, Que la feme doit auer le meafon auxy pur terme de fa vie, nient obftant il ne fuit deuife a luy per expresse parols.

Si vn deuife soit al I.N. & a les heires females de son corps engendres, apres le deuisee ad issue fits & file, & morust, icy le file auera le Terre, & nemy le fits, & vncore il est plus digne person, & heire al son pierre: Mes pur ceo que volunt del mort est que le file doit ceo auer, Ley & Conscience voet issint auxy.

Et en cest point les Heathens fueront precise, come appiert per ceux Verses de *Octavius Augustus*, que *Donatus* report, il fesoit apres que *Virgilla* son mort donoit commandement, que ses liuers doient estre combure, pur ceo que ils fueront imperfect, & vncore ascuns persuadent que ils doyent estre saue, come en fait ils happiment fueront, a que il respond issint:

wife, and that after the decease of his wife, his sonne & heire shall haue the house where the goods are, there the sonne shall not haue the house during the life of the wife: for it doeth appeare, that his intent was, that his wife should haue the house also for terme of her life, notwithstanding it were not deuised to her by expresse words.

If a deuise bee to J. B. and to the heires females of his bodie begotten, after the deuisee hath issue a sonne and daughter, and dyeth, heere the daughter shall haue the Land, and not the sonne, and yet he is the most worthy person, and heire to his father: but because the will of the dead is, that the daughter should haue it, Law and Conscience will so also.

And herin the very Heathens were precise, as appeareth by those verses of *Octavius Augustus*, which *Donatus* reporteth he made after that *Virgil* at his death gave commandement, that his bookes should be burnt, because they were imperfect, and yet some persuaded that they should be saued, as inuolde they happily were to whom he answered thus:

But faith and Love must
needes bee kept, & what law
will both say: And what it
both command be done, that
needes we must obey.

Sed legum seruanda fides,
suprema voluntas: Quod
mandat, fierique iubet,
parere necesse est.

Deuoire

Deuoire

Deuoire is as much to
say as a dutie, and this
word is used in the Statute
of 2.R.2. cap. 5. where it is
provided that all the We-
stern Merchants, being of
the Kings amitie, shall pay
all manner of Customs &
Subsidies, and other De-
uoirs of Cities, &c. the
Statute 5. eiusdem Regis ca. 2.

Deuoire est tant adire, come
dutie, & cest parol est vse
en le Statute de 2.R.2. cap. 5.
ou est puruiewe, que tous
Merchants del West, este-
ant del amitie le Roy, pay-
era tous manniens des Cu-
stomes & Subsidies, & au-
ters deuoirs de Citeis, Veles
le Statute 5. eiusdem Regis
cap. 2.

Deuorce.

Deuorce.

Deuorce, diuortium dictum
est a diuersitate mentium,
quia in diuersis partes eunt
qui distrahunt matrimoniu-
m, & esse diuortium est
muth from the verbe Diuer-
to, which signifieth to re-
turne back, because that af-
ter the Deuorce betwixt
the husband and wife, he re-
turneth her againe to her
father or other friends, as
to the place from whence
he had her.

Deuorce, diuortium dictum
est a diuersitate mentium,
quia in diuersas partes eunt
qui distrahunt Matrimonium,
quod autem Diuortium, viet
del verbe Diuerto, que sig-
nifie de retourner arere, par
ceo q puis le deuorce parent
le baron & femme, il luy re-
turne arere a sa pere, ou au-
ter amies, ou ailleurs de que
il luy prist.

And although that De-
uorce was neuer approued
of by the Diuine law, but
contrariwise prohibited,

Et coment que deuorce
ne vnques fuit approue
per le Diuine Ley, mes
al contrarie prohibite come
appiert

The Exposition of

appiert per cest mandat, *Quod Deus coniunxit ho-*
mo non sepat, vneore en
touts ages & bien dispose
common weales, il ad estre
vse & permit. Et issint a cest
iour oue nous la sont di-
uers causes pur queux baron
& feme poient estre de-
uorce, come primerment
Causa præcontractus.

Et par ceo si home mar-
rie oue feme præcontract &
ad issue per luy, cest issue
en Ley & en veritie port
le surnosme de son pier: mes
si puis le baron & feme sont
deuorce, pur le præcontract
ore l'issue ad parde son sur-
nosme, & est deuenus
Bastard, & *nullius filius*,
Coke lib. 6. fol. 66.

Et deuorce poit estre cau-
sa *frigiditatis*, Et pur ceo si
home soit espouse a vn feme
& puis ils sont deuorce cau-
sa *frigiditatis*, & donque le
home prist auter feme, &
ad issue per luy, vneore cest
issue est legitimate, pur ceo
que home poit estre *habilis*
& *inhabilis diuersis tempori-*
bus, & per le deuorce causa
frigiditatis le mariage fuit
dissolue a *vinculo matrimo-*
nij, & per consequence chesc
de eux poit marrie arere. Co.
lib. 3. fol. 98. b.

appeareth by this precept,
Let no man sepeare that
which God hath ioyned to-
gether, yet in all ages and
well governed common-
weales it hath bene vset
and permitted. In like man-
ner at this day with vs
there are diuers causes for
which the husband and wife
may bee diuorced, as first
causa præcontractus.

And therefore if a man
marrie with a woman præ-
contracted, and hath issue by
her, this issue is Law and
in truth beares the surname
of his father: but if after
the husband and wife be di-
uorced for the præcontract,
there the issue hath lost his
surnames, and is become a
Bastard, and *nullius filius*,
Coke, lib. 6. fol. 66.

And diuorces may be cau-
sa *frigiditatis*, and therefore
if a man be married to a wo-
man, and after they are di-
uorced causa *frigiditatis*, and
then the man taketh another
wife, & hath issue by her, yet
this issue is lawful, because
that a man may bee *habilis*
& *inhabilis diuersis tempori-*
bus, & by the diuorces causa
frigiditatis, the marriage
is dissolved, a *vinculo*
Matrimonij, & by consequens
either of them might marry
again, *Coke, lib. 3. fol. 98. b.*

The Exposition of

de euz deueigne impos-
sible per Last de Dien, de
Obliger nest tenu a per-
former l'apier part, car le
condition sera prise bene-
ficialment par luy, *Case*
lib. 5. 229 yul. cas. 119.

of them becomingly; the
possible by the Act. & the
the Obliges is not bound
to performe the other
part, say the Condition
shall be taken Beneficial-
ly for him, *Case*, lib. 5,
229. yul. cas. 119.

Dien clausit extre-
mun.

Dien clausit extre-
mun.

Dien clausit extremum,
est vn Brieft, & gift lou
Tenant le Roy, que tient
en chiefe mortu, donque
cest Brieft sera direct al
Eschequer en quier de quel
estate al fuis seise, & que
est prochain heire, & de quell
age, & de la certaintie del
terre, & de quel valde le ter-
roir, & de que eco est co-
me, & quel inquisition sera
receue par le Chancerie, &
est communement appel-
le, apres le mort del tuel
person.

Dien clausit extremum,
is a writ, and it lyeth
where the King Remains
that heire is Chiefe mortu,
this writ shall be direct
to the Eschequer, to inquire
of what estate the said heire
is, and his age, and of the cer-
tainty of the land, and of the
value thereof, and of what
inquisition shall be receued
there, & the writ is called
Dien clausit extremum.

Et est autre Brieft de
Dien clausit extremum, agard
hors del Eschequer apres
mort del vn accomptant ou
debtor al Roy, & leuier le
debt de son heire, Enco-
toy Administrators, & de
biens.

Dien clausit extremum, is
another writ, & is directed
out of the Eschequer, after
the death of a person that
oweth to the King, & to
levy the debt of his heire, &
of the Administrators, &
of the goods.

Dies

Dies datus.

Dies datus is a respit granted to the tenant of a Defendant before the Court. Bro. tit. Continuance.

Dignitie Ecclesiasticall.

Dignitie Ecclesiasticall is a phrase of speech used in the Stat. of 26 H. 8. c. 3. and by the Canonists is defined to be An administration consigned with power and jurisdiction.

Diocesse.

Diocesse is the circuit of the jurisdiction of euerie Bishop, for this realme hath two kindes of diuisions, the one in shires or counties, in respect of the temporall policie, the other in diocesses, in respect of the Ecclesiasticall jurisdiction.

Dieta rationabilis.

Dieta rationabilis is sometimes vsed for a reasonable dayes tennure, as Br. li. 3. part. 2. ca. 16. It hath in the Ciuill Lawe other significations which are not to be here mentioned. See Vocab. vtriusque iuris.

Dies datus.

Dies datus est vn respit datus al tenant ou defendaut deuant le Court, Brooke, Tit. Continuance.

Dignitie Ecclesiasticall.

Dignitie Ecclesiasticall est vn phrase de parlante vse en l' Stat. de 26 H. 8. c. 3. & per les Canonists est define destre Administration cum iurisdictione & potestate aliqua conuincta.

Diocesse.

Diocesse est le circuit del jurisdiction de chescun Euesque, car cest royaume ad deux sortes de diuisions, l'un en shires ou countees, en respect del temporel policie, lautre en diocesses, en respect del iurisdiction Ecclesiasticall.

Dieta rationabilis.

Dieta rationabilis est afeun fois vse p le reasonable iourney d'un iour, come Br. li. 3. part. 2. ca. 16. Il ad en le Ciuile Ley auters interpretations q ne besoigne destre cy incert. Vies Vocabul. vtriusque Iuris.

Disabilitie.

Disabilitie.

Disabilitie est quant homme per a son chose ou a son luy in ou son auectour, fait ou commis, ou pur ou per a son autre cause est disable ou fait incapable faire, de inheriter ou de prendre benefice ou aduantage d'un chose q' autrement il puit auer donec on fait.

Et pur ceo la sont plusieurs choses per queux homme poyt estre disable, & ceux sont communement, ou per fait del partie, ou son auectour, ou per le aet del ley, ou per le aet de Dieu.

Disabilitie per aet del Auectour del partie, come si hōc foyt attainct de treason ou felonie, per cest atrainder son sangie est corrupt, & per ceo luy mesme & ses issues fait incapable & disable de inheriter.

Disability per fait del partie mesme, come si homme fait Feoffement al autre homme que adonque est sole, sur condition, Que il enfeoffe vn tierce homme deuant M. & deuant M. ou le Feoffement fait, le Feoffee prist Femme, il ad per ceo luy disable de performer le Condition accordaunt al trust en luy

Disability per aet del partie, by any act touching by himselfe or by his auectour done or committed, as for; or by any other cause is disabled or made incapable, as for, to inherit, or to take benefice or aduantage of a thing which otherwise he might haue had or done.

And by this there are many things by which a man may be disabled, and these are ordinarily either by the act of the partie or his auectour, or by the act of the law, or by the act of God.

Disability by the act of the Auectour of the party, as if a man be attainct of treason or felony, by this attainct per his blood is corrupt, and thereby himselfe and his children made incapable and disabled to inherit.

Disability by the act of the partie himselfe, as if a man maketh a feoffment to another man that the is to be upon condition that he shal inherite a chert man before M. and before M. as the feoffment made, the feoffee taketh a wife, he hath by that disabled himselfe to performe the condition according to the trust in him reposed,

The Exposition of

Disgrading.

Disgrading est quant vn hōc
ayant p̄ se sur luy vn di-
gnité temporal ou ecclésiasti-
cal, par ascun honorabl chose
ou autre mesure per luy fait;
ou autrement est en p̄de ceo
de priue, soit il Chival, clerk,
ou aut home. Pur que si vn
Clerke soit deuera son Or-
dinarie, & n̄ poit acquit luy
mesme del pech de que il soit
conuict per le Iurie, il sera
pur ceo disgraded, que richs
auter est forsque le deprivati-
on de luy de ceux ordres q̄
il ad sur luy prise, cōe Friar-
hood, Deaconschip, ou autre-
ment, *Stat. Pl. Co. fo. 130.
138.*

Et en mesme le maner la
est Disgrading vn Chivaler,
come est auantdit, *Vic. Stat. Annal. pag. 241.* Et est
deigne le obseruation, Que
per le Common ley la sont
deux sortes de Disgradings,
lun summarie per parol soles-
ment, & laut soleme, per de-
uestant le partie disgrade de
ceux ornements & rites que
sont les ensignes de son order
ou degree.

Disgrading.

Disgrading est quant vn
hōc par ascun honorabl chose
ou autre mesure per luy fait;
ou autrement est en p̄de ceo
de priue, soit il Chival, clerk,
ou aut home. Pur que si vn
Clerke soit deuera son Or-
dinarie, & n̄ poit acquit luy
mesme del pech de que il soit
conuict per le Iurie, il sera
pur ceo disgraded, que richs
auter est forsque le deprivati-
on de luy de ceux ordres q̄
il ad sur luy prise, cōe Friar-
hood, Deaconschip, ou autre-
ment, *Stat. Pl. Co. fo. 130.
138.*

In like manner there is
disgrading of a knight, as is
elsewhere. *Stat. Annal.
p. 241.* And it is worthy the
observation, that by the com-
mon law there are 2. kinds
of disgradings, the first sum-
marie, by word only, & the o-
ther soleme, by deuesting
the partie disgraded, from
those ornaments and rites
which are the signes of his
order or degree.

Discent.

Discent.

Discent is in 2. sorts, either lineall or colateral: lineall discent is when a discent is compassed in the same line of the body high or grandfather, father, sonne, brother, sister, and so downward.

Colateral discent is out in another branch, as when sonne above of the father's body, as grandfather, brother, sister, brother's brother, and so downward.

Nota, that if one die seized in fee or in tail, of land, in which another hath right to enter, and that discenteth to his heire, such discent shall take away the entrie of him which hath right to enter, so that that the heire hath them by discent from his father, & so come into those tenements by the doing of the heir, and he that hath right cannot put him out by entering upon him, but is put to sue him with, so demand the land according to the nature of his title. *20. Henr. 3. in Lib. 3. c. 6. Stat. 32. H. 3. c. 33.*

Discent.

Discent est in 2. sortis, ou lineal ou colateral: lineal discent est quant le discent est compassé en mesme le lyne de entree sante, come aye, pere, fils, fils del fils, & issint de basla.

Colateral discent est dehors en vn autre branche de haut denuier sangue, come le frere del aye, frere del pere, & issint de basla.

Nota, que si vn' denie seise en fee, ou en taile, de terre en que auter ad droyt d'entree, &c. discent a son heire, tiel discent tollera l'entree de cestuy que droyt auoyt d'entree, pur ceo que le heire ad ceux per le discent de son pierre, & issint vient a les tenements par act de ley; & cestuy que droit ad ne puit luy ouster per entree sur luy, mes est mise de fuer son brieve a demander le terre selonque le nature de son title. Veies de ceo, *Lit. ston, Lieure 3. cap. 6. Statute 32. Henrici octavi, cap. 32.*

Disclai.

The Exposition of

Disclaimer

Disclaimer.

Disclaimer est lou le Seignior, distreyne son tenant, & il sus Repleuin, le Seignior auoua le prief, per rea- son que il nient a luy, si le te- nant dit, Que il disclame de tener de luy, cest appelle vn Disclaimer, & si le Seignior sur ceo port Brie de Droyt sur Disclaimer, & il soyt trouue encouter le Tenaunt, il perdra le Terre. Anxy il vn port vn Pracepe vers deux auters, pur terre, & le tenant disclame, & dit, que il nest deo tenant, ne clame rien en ceo, donques l'auter auera tout le terre. Mes si le Pracepe soyt enuers vn sole, & il disclame, come auant est dit, le brie se abatera, & vncore le demandaunt soyt enter en le Terre, & ceo tener en son droyturale estate, coment son entrie ne fuit loyal.

Et apres que le Tenaunt en vn Action port vers luy disclame, il n'auera brie de Errour encouter son disclaimer, pur ceo que per son Disclaimer il ad barre luy mesme del droyt del Terre, car les par-

Disclaimer is when the lord distrains his tenant who sueth a repleuin, and the lord avows the taking by reason that he holds of him, if the tenant say, That he disclaimes to hold of him, this is called a Disclaimer, if the lord brings a writ of right, for disclaimer, and it be found against the tenant, he shall lose his land. If he one bringeth a Pracepe against two others, for the land, if the tenant disclaimes with and saith, that he is not thereof tenant, neither claimes any thing therein, then whosoever shall have the whole land. But if the Pracepe be brought against one alone, & he disclaimes, as is aforesaid, the writ shall abate, and yet the demandant may sue into the land, & hold it in his rightful estate, although he sueth to open a lease. And after that the tenant in Action brought against him, disclaimes, he shall not have a writ of error against his own disclaimer, because that by his Disclaimer he hath barred himself of the right of the land, for the word

Spit tythes are tythes of calves, lambs, pigs, and such like, that increase partly of the ground that they be fed upon, and partly of the keeping, industrie, and diligence of the owner.

Mixt dismes sont les dismes de vitels, agnes, porcehs, & tiels semb, que encresce partint del fre, sur que ils ont de pasture, & ptment d'garding, industrie, & diligence del owner.

Disparagement.

Disparagement is a shame, disgrace, or villany done by the Gardeine in Chivalrie, to his ward in Chivalrie, being within age by reason of his marriage.

As when the Gardeine doeth marrie his warde within age of fourtene years, and within such time as he cannot consent to marriage, to a bond woman, or to the daughter of one that dwelt in a borough (which is to be understood, such whose fathers profess handicrafts, and those basteries of buying and selling to get their living by) or to one that hath but one foot, or one hand, or is lame, or deformed, or hath some horrible disease, as the leprosie, Frenchpoe, falling sickness, or such like, or marrieth him to a woman that is past child bearing, and diuers such other, then upon the complaint made by the defenden of such heire

Disparagement.

Disparagement est vn hôte, disgrace, ou villanie fait p le Gardeine en Chivalrie, a son garde en Chivalrie, esteant deins age per reason de son mariage.

Come quant le Gardeine marrie son Warde deins age de xiiij. ans, & deins tel temps que il ne poit consent al mariage, al vn nicle, ou al fille d'un que demure en vn Borough (que est desic entend tiels que peres professe mainecrafts, & tiels baser arts de emption & vendition pur gaine leur viuer per ceo) ou al vn que ad forsque vn pee, ou vn maine, ou est decrepit, ou deforme, ou aiant horrible disease, come le leprosie, les pocks de franks, falling sickness, ou tiels semblables, ou marrie luy a vn femme que est passe l'age de infanter, & diuers tiels autres, donques sur le complaint fait per les amies de uel heire,

The Exposition of

le Seignieur ou Gardein
perdera le Gardship, & les
profits durant le nonage
de le heire, pur le hont
fait a luy. Veies *Lit. Lib. 2.*
cap. 4.

the Lord or Gardeins shall
lose the wardship, and the
profits during the nonage
of the heire, for the shame
done unto him. See *Lit.*
lib. 2. cap. 4.

Disseisin.

Disseisin.

Disseisin est quant vn
home ent en ascun terres
outenements, lou son en-
trie nest pas congeable, &
ousta celuy que ad le frank-
tenement.

Disseisin is when a man
enters into any Land
or Tenements, where his
entrie is not lawfull, and
putteth him out that hath
the freehold.

Disseisin sur Dis- *seisin.*

Disseisin vpon Dis- *seisin.*

Disseisin sur Disseisin, est
quant disseisour est dis-
seise per vn autre.

Disseisin vpon disseisin is
when the Disseisour is
disseised by another.

Disseisor & Dis- *seise.*

Disseisor and Dis- *seise.*

Disseisor est celuy que mist
ascun home hors de son
terre sans order le Ley.

Disseisor is hee which put-
teth a man out of his
Land without order of the
Law.

Mes le Roy ne serra dit
disseis vn Disseisor, & oue
cco est vn note en *1. E. 3.*
fol. 8. que fuit tenuis que
le Roy ne poit estre dit vn
que s'it tort, car si vn vo-
et disseise vn autre al oeps le
Roy lou le Roy nad droit,
le Roy ne poit estre dit dis-
seisor.

But the King cannot be
sayd to be a disseisor, with
this is a note in *1. E. 3. fol. 8.*
That it was held that the
King could not be termed
one that did wrong, for
one shall disseise another in
the bre of the Law, where the
King hath no right, the King
cannot be said a Disseisor.

Disseisor

Disseisee is hee that is so put out of his land, and if such disseisee leuie a fine of the Land, whereof hee is disseised to a stranger, the disseisor shall keepe the Land for ever, for the disseisee against his owne fine cannot claime, and the Conuisee cannot enter, for the right which the disseisee had was extinct by the fine whereof the disseisor shall take advantage: and so was the opinion, Coke lib. 2. f. 56.

Disceit.

Disceit is a wite, & it is sometime originall, and sometime iudiciall, but whē it is originall, it lyeth where any disceit is done to a man by another, so that he hath not sufficiently performed his bargain, or not performed his promise, then hee that is in such manner deceived shall haue this wite.

But when this wite is Iudiciall, it lyeth where a Scire Facias is bled out of any Record against a man, and the Sheriffe returneth that hee is warned where hee was not warned, or where a Precipe quod reddat, of a piece of Lands, or a Quare impedit, of the presentation to a Church is sued against one, and the Sheriffe

Disseisee est cestuy que est mist hors de son terre, & si tiel Disseisee leuie fine del Terre de que il est Disseisee al vn estranger, le disseisor reteindra le Terre a tous iours, car le disseisee enconē son fine demesne ne poit claime, & le Conuisee ne poit enter, car le droit que l' disseisee ad fuit extinct per le fine, dont le disseisor prendra aduantage: & issint fuit l'opinion, Coke, lib. 2. fo. 56.

Disceit.

Disceit est vn bre, & est ascun foits original, & ascun foits iudicial, mes quant il est original, gist lou ascun disceit est fait a ascun home per vn autre, issint que il nad iussicientment performe son bargain, ou nient performe son promise, donques celuy que est en tiel maner disceiue auera cest Brieve.

Auxyquaunt cest Brieve est iudicial, il gist ou Scire facias, est sue hors de ascun recorde vers vn, & le Viscount retourne que il est garnie, ou il ne fuit garnie, ou lou vn Precipe quod reddat de ptee de terre, ou Quare impedit del presentement al Esglise est sue vers vn, & le Viscount

The Exposition of

retourne que le defendaunt est summon, per quel deceit & faux retourne le demaundaunt ou plaintife recouer, donques le partie greue auera cest Briefe vers luy que recouera, & vers les summoners, & vers le Viscount, & donques le Briefe sera direct al Coroners de mesmele Countie, si il continue Viscount que fist le retorcie.

retourneth that the defendaunt is summoneth, where hee was not summoned, by which deceit and false returns the Demaundaunt or Plaintife recovered, then the parties grieved shall haue his writ against him that recovered, and against the summoners, and against the Sheriffe, and then the writ shall be directed to the Coroners of the same Countie, if he continue Sheriffe that made the returne.

Issint si home fait Attorney en vn Action real poit vers luy, & puis est agree per couin perenter le demaundaunt & le dit Attorney, que le Attorney failera default que issint fait accordant per que le tenaunt perde son Terre, donque mesme le tenaunt que parda le Terre poit auer vn Briefe de Disceit enuers le Attorney

So if a man maketh an attorney in an action real brought against him, and afterwards it is agreed by deceit between the demandant and the sayd attorney, that the said attorney shall make default, who doth accordingly, whereby the tenant loseth his land, then the same tenant that loseth the land may haue a writ of deceit against the attorney.

Auxy si home port Action de Trespasse vers deux auters, & le plaintife & vn Attorney per couin agree perenter enx, causant deux estrangers nient parties al Briefe a venir en le Court, & dire que ils sont mesme les deux defendaunts mesme en le Briefe & que ils designe mesme le home

Also if a man bringeth an Action of Trespasse against two others, and the Plaintife and an attorney by deceit agreed between them, cause two strangers nient parties to the writ to come into the Court, and say that they are the same two defendants named in the writ, and that they appoint the same

man to be

to be their Attourney in that
Sute, wherupon the same
attourney as attourney to the
defendants named in the
sute, pleadeth to the issue, &
after suffer the issue to passe
by his default, by which
meanes the plaintiffe recou-
reth; in this case they that
are indeed defendants, may
have a writ of Deceite a-
gainst the same Attourney
that appeared as Attourney
for them, and shall recover
their damages, Fitzh. Nat.

Bre. 96.

And as the Law punish-
eth her Officers, as Sher-
iffs, Pleaders, Philo-
sors, Exignters, attourneys,
& others, so they renounceth
and condemneth all acts of
great impudence if they
be admitt with deceit and
falshe. As if a fine be
levied by deceit, and five
years past, so that by the
statute of 4. H. 7. c. 24. all per-
sons and their Rightes shall
be barred thereby, yet for
that it was by deceit, the
fine shall be enoyed, as is
adjudged in Coke, Libr. 3.
fol. 77. In the same manner
if one recover and by De-
ceit, the recovery for this
shall be frustrated and made
void, 3. Edward. 3. 28. So
if a woman that hath gird

destre leur Attourney en cel
sute, sur que mesme le attour-
ney, come attourney al defen-
daunts nosme en le Brieve
pledont al issue, & puis suse
front le enquest a passer per
son default, per quel meanes
le plaintiffe recouer: En cest
case ceux que sont voyermēt
defendants, poyent auer vn
brieve de deceit enūs mesme
le Attourney q̄ apparust cōe
Attourney pur eux, & recupe-
ront leur damages, Fitz. Nat.
Bre. 96.

Et come le Ley punie son
Officers, cōe Sergeants, Plea-
dours, Phylosers, Exigen-
ters, Attourneyes, & auters,
il sint il reiect & dampe tous
acts del pluis graund impor-
tance, s'ils sont enterlayse oue
deceit & faunxity. Come si
vn fine soit levie per deceit,
& cinque ans passe, Veyes
de ceo per le Statute de 4.
Henrici septimi, cap. 24. tous
persons & leur droyts ser-
rout per ceo barre, vncore
pur ceo que fuyt per deceyt,
le fine serra auoyde, come est
adiudge en Coke, Libr. quar-
to, fol. 77. En mesme le ma-
ner, si vn recouer Terre per
Deceite, le Recouerie p̄ ceo
sera anient & fait void, 3. E. 3.
28. Il sint si feme q̄ ad bone
cause

The Exposition of

tause desire endow, voyle per
desceit auer le Tenant desire
disseise, & puis recoü sa do-
wer per brieve de Dower, en-
uers le Disseisor, vncore il
serra adiudge en possessiõ en-
uers l' disseisee forsq, cõ vn
disseisorelle, è respect del dis-
ceit, *Co. li. 5. fo. 31.*

cause to be endowed, toll by
deceit haue the tenant to be
disseised, and after recover
her dower by a writ of dower
against the disseisor, yet
she shall be adiudged in posses-
sion against the disseisee, but
as a disseisorelle, in respect of
the deceit, *Co. li. 5. fo. 31.*

Distresse.

Distresse est le chose que est
prise & distreigne, sur as-
cun terre pur rent arriere, ou
pur auter duectie, ou pur torte
fait, coment que le proprie-
de chose soyt perceygne al
Estraunge: Mes si sont auers
que perceygne al Estraunge,
il couient que ils sont leuant
& couchant sur mesme l'ire,
cest adir, Que les auers auoi-
ent esse sur le terre per certain
space, que ils ont eux bien re-
pose sur la terre, ou auterment
ils ne sont distreynable p' rent
ou seruice.

Et si vn distreigne pur
Rent ou auter chose, sans
cause loyall, donques
le partie grieve auera vn
Repleuin, & sur suretie
troue de pursuer son Ad-
on, auera le distresse a

Distresse.

Distresse is the thing
whiche is taken and dis-
trained vpon any land for
rent behinde, or other duectie,
or for hurt done, although
the propertie of the thing be
longerth to a stranger: but
they be beasts that belong
a stranger, it behoueth that
they were letuant & couching
vpon the same ground, that
is to say, that they beaks haue
borne vpon the ground cer-
taine space, that they haue
themselues wel rested there,
or else they be not distreyn-
able for rent or seruice.

And if one distreigne for
rent, or other thing with-
out cause lawfull, then the
partie grieved shall haue a
Repleuin, and vpon suretie
found to pursue his Ad-
on, shall haue the distresse to
him

him deliuered againe. But
euer bee diuers things that
be not distreynable, viz. au-
ther mans gooson in the
house of a Tithor, or cloth
in the house of a Fuller,
Shewman, or Weaver, for
that they be common Be-
stellers; and that the common
presumption is, that such
things belong not to the ar-
tifiers, but to other persons
which put them there to be
sought.

This vitale is not distre-
nable, nor coigne in sheaves,
but if they be in a cart, for
that that a distresse ought to
be alwayes of such things
wherof the Sheriff may make
replein, & deliuer againe in
as good case as it was at the
time of the taking.

A man may distreyn for
homage, & fealty, & escuage,
or other seruices, & for fines
& amerciaments which bee
afforded in a Leet, but not in
a Court Baron: & also for
damage feasant, that is to
say, when hee findeth the
beasts or goods of any other
doing hurt or intruding
in ground. But a man
may not distreyn for any
Rent, thing due for any
land, but upon the land to which
that is charged there with.
But in case to be seen. Item

huy redeliuer. Mes sont di-
choses q ne sont distreynab-
lez, roabe de auter home en
le meason de vn Taylour, ou
drapen en meason de vn Ful-
ler, Shewman, ou Weaver,
p ceo que ils sont common
Artificers, & que le common
presumption est, que tiels
choses ne sont perreygnout
al Artificer, mes al auters
persons que eux mittont la a
ouer.

Auxy vian n'est passe di-
streynable, ne blees & sheues,
sinon que ils sont en vn cha-
riot, p ceo que distresse cou-
ent este, tous soyts de tiel
chose dont le Viscount poe
faire repleuin, & redeliuer en
auxy bon case q il fuit al teps
del prisel.

Auxy home poit distreyn
pur homage de son Tenaunt,
p Fealty, & Escuage, & aut
seruices, & pur fines & amer-
ciaments que sont assesse en
vn Leet, mes hee & vn court-
Baron: & auxy pur damage
feasant, cest a sauoir, quant
il troue les beists ou byens
des auters feasant tort ou in-
cumbrant son Terre. Mes
home ne poit distreyn pur
ascun rent, ou chose due pur
ascun Terre, mes sur meisme
le terre que est charge ouelq;
e: Mes & cas loü ieo veygne

The Exposition of

a distreyner, & laue veyant
mon purpoe chasc les beaſts
ou port le choſe dehors, al
entee q' ico ne prendra ceo p'
yn diſtres ſur le ſre, donq's
leo poy bien purſue, & ſi leo
priſe ceo maintenant en le
hault chemin, ou en auer
ſoile, l'priſel eſt loyal, auxybñ
la come ſur la ſre charge, a
q'cunq; la properties des bñs
ſont.

Auxy pur Fines & Amer-
ciaments que ſont aſſeſſe en
vn Leete, vn poyt tous ſoyts
prendre les biens celuy que
eſt iſſint amerce, en quecun-
que Soyle que ils ſont deins
le iurisdiction del Court, vt
dicitur.

Et quauant vn ad priſe vn
diſtreſſe, il couient luy de a-
meſner ceo al cōmon pound,
ou autrement il poyt garder
en ouert luy, iſſint q' il done
notice al partie, que il (ſi le
diſtreſſe ſoyt viue auers) poit
doner a luy viand, & don-
ques ſi le auers moruſt pur
default de viand, celuy que
ſuit diſtreynne ſerra a le pard,
& donques lauer poyt di-
ſtreynne auē ſoyts pur meſme
le rent ou dutie. Mes ſil a-
meſna le Diſtreſſe a vn fort-
let, ou gors del Countie, que
le viſcount ne poyt bien faiſ

to diſtreynne, and the other
ſaving my purpoſe, chaſeth
the Beaſts, or beareth the
thing out, to the intent that
I ſhall not take it for a di-
ſtreſſe vpon the ground, then
I may well purſue, and if
I take it preſently in the
high-way, or in anothers
ground, the taking is law-
full as well there, as vpon
the land charged, to whom-
ſoeuer the properties of the
goods be.

Also ſay fines & amercia-
ments which bee aſſeſſed in
a Leet, one may alſway take
the Goods of him that is ſo
amerced, in whose Ground
ſoeuer they bee within the
iurisdiction of the Court, as
it is ſayd.

And when one hath take
a diſtreſſe, it behooveth him
to bring it to the Common
pound, or elſe hee may keep
it in an open place, ſo that he
give notice to the party that
he (if the diſtres be a quick
beaſt) may give to it ſod, and
then if the beaſt die for
default of ſod, he that ſhall
diſtreynne ſhall loſe of the
loſſe, and then the other may
diſtreſſe againe for the ſame
rent or dutie. But if he take
the diſtreſſe in a ſtreit,
or out of the Countie, that
the ſheriffe may not make
dette.

deliuerance upon the reple-
uin, then the partie vpon the
returne of the *Sheriffe* shall
haue a writ of *Withearnam*,
directed to the *Sheriffe*, that
he take as many of his
bricks, or as much goods of
the other in his keeping, till
he hath made deliuerance of
the first distress. And also if
they be in a fosslet or castle,
the *Sheriffe* may take with
him the power of the Coun-
tie, & beat downe the castle,
as it appeareth by the stat.
W.1.c.17. therefore looke the
statute.

deliuerance sur Repleuin,
donques le partie sur le re-
turne del Viscount, auera vn
Brieft de *Withearnam*, direct al
Viscount, que il prendra tant
de ses auers, ou tant des hy-
ens lauter en son garde, tan-
que il ad fait deliuerance de
le primer Distresse. Auxy si
sont en vn Fosslet ou Castle,
le Viscount poyt prendre oue
luy le power del Countie, &
abater le Castle, come appi-
ere per le Statute do *Westmo-*
nafter. prim. ca. 17. Idem vide
Statusum.

Districtus.

Districtum.

Districtus is sometime used
for the circuit or territory
within which a man may be
thus compelled to appeare,
Brit. ca. 120. and is also is di-
stinctio in the Reg. orig. f. 6. b.
Distress in the former signi-
fication is diuided first into
finite and infinite, finite is
that which is limited by
law, but when it shall bee
made to bring the partie to
triall of the Action, as once
or twice, Old Natuf Breuiū,
fo. 43. Distress infinite is
without limitation until the
partie comes, as against a

Districtus est ascun foyts
vse par le circuit ou Ter-
ritorie, deins quel home poyt
elementestre cōpel de appea-
rer, *Brit. ca. 120.* & isint auxy
est *Districtio* en le Regist. Orig.
fo. 6. b. Distresse en le primer
signification est diuide pri-
merment en finite & infinit,
finite est ceo que est limit p
Ley, que tost il ferra fayt a
traher le partie al trial del A-
ction, come vn foyts ou deux
foits, *Prisel N. B. fo. 43.* Distres
infinite & sans limitation tan-
que l party vient, cōc vers vn
Iurige

The Exposition of

Iurie que refuse d'apparear
sur le certificate de assise; le
pces est vn *Venire facias*, ha-
beas corpora, & distresse infi-
nite, *Veiel N.B. fo. 113.*

Donque il est diuidee en le
grand distresse, cōe *ann. 35.*
H. 3. cap. 7. que *Fitzhappel* en
Latyne, *Magnum districtionē*,
Nat. bre. 126. a. & vn ordina-
rie distresse. Vn grand di-
stresse est ceo que est fuyt de
tous les biens & chatels que
le partie ad deins le Counsie,
Brit. ca. 6. fo. 52. mes quere
ou il ne soit aucun foyt tout
vn oue vn distres infinit, *idem*
fo. 80. oue que auxy le statute
de *Marlebridge* semble de a-
greer, *An. 52. H. 3. c. 7. 9. & 12.*
Vies le *Veiel N.B. fo. 71. b.*

jury that refuseth to appeare
upon certificate of assise, the
proces is a *Venire facias*, ha-
beas corpora, & distresse infi-
nite, *Old N.B. fo. 111.*

Then it is diuided into the
grand distres, as *an. 35. H. 3.*
ca. 7. which *Fitzh.* calleth in
Latyn, *Magnum districtionē*, *N.B. 126. a.* & an ordi-
nary distresse. A grand di-
stresse is that which is made
of all the goods and chattels
which the party hath w^{ith}
in the countie, *Brit. ca. 6. f. 52.*
but see whether it bee not
sometimes all one w^{ith} di-
stresse infinite, *Idem, fo. 80.*
w^{ith} whom also the statute
of *Marleb.* seemeth to agree,
an. 52. H. 3. ca. 7. 9. & 12. See
the *Old N.B. fo. 71. b.*

Distringas.

Distringas est vn briefe di-
rect al Viscount ou ascū
au^t officer, luy commandant
a distreynar vn pur vn deit al
Roy, & cou p^r son apparance
al vn iour. Vies le grand di-
uersitie de cē briefs, ē le table
del *Regist^rer iudicial*, *verbo*
Distringas.

Distringas.

Distringas is a writ dire-
cted to the sheriff or any
other officer, commanding
him to distreyn for a debt
to the king, &c. or for his ap-
pearing at a day. See the
great diuersity of this writ
in the table of the *Reg. iudic*
verbo Distringas.

Disiudend.

Diuidend.

Diuidend is a word used in the Statute of Richard An. 10. Ed. 1. where it is provided, that the chamberlains of the Exchequer shall not make to the Sheriffs of any of their Bailiws, diuidends, unless they first receive of them particulars, in which particulars bee shew'd howe such diuidends parted, &c. see an. 18. eiusd. stat. 3. ca. 2.

Diuidend.

Diuidend est vn parol vse en le Statute de Roicland, an. 10. Ed. 1. ou est prouide, que les Chamberlains del Eschequer ne poyent fayre al Viscounts ou ascun de lour Baylifes, Diuidends, sinon ils primement receue de eux particulers, en qux particulers il voile auertiel diuidends feli &c. Veies Anno 28. eiusd. stat. 3. cap. 2.

Docket.

Docket is a little peece of paper or parchment written, that coneyneth in it the effect of a greater writing, as the Statute 2. & 3. R. & M. ca. 4. 29. West, pt. 2. tit. Fines, Sect. 106. calleth it Dogget.

Docket.

Docket est vn petit qũitit de paper ou parchmẽt escript, q̃ contien en luy l'effect de plus grãd escript, Veies le stat. de 2. & 3. R. & M. c. 6. M. West. pt. 2 tit. Fines, sect. 106. appellee ceo Dogget.

Dogge-draw.

Doggedraw is an apparent deprehension of an offender against the law in the Forest: there are foure kinds of them, observed by 29. Manwood, part 2. ca. 18. numero 9. of his Forrest Lawer, that is to say, Dog-

Dogge-draw.

Doggedraw, est vn manifest deprehension d'un offender enuers Venison en le Forest: la sont quatre sortes de ceux note per M. Manwood, part 2. cap. 18. numero 9. de ses Forrest Leyer, cest acauoir, Doggedraw,

The Exposition of

draw, Stablestand, Backbeare
& Bloudy-hand. Dogdrawe
est quant vn est troue trahant
apres vn dame, per le cent dū
Brache que il tient en son
maine.

draw, Stablestand, Back-
beare & Bloudyhand. Dog-
draw is when one is found
drawing after a Dame by
the count of a hound that he
leadeth in his hand.

Dogger.

Dogger.

Dogger est vn sort de Niece,
Anno 31. Ed. 3. Stat. 3. c. 1.

Dogger is a kind of fish,
Anno 31. E. 3. Stat. 9. c. 1.

Doggerfish, *ibid.* ca. 2. semble
deux pissons port en ceux
niefes al Blackeney Hauen,
& c. Doggermen, *An. 2. H. 8.*
cap. 4.

Doggerfish, *ibid.* ca. 2. seems
to be fish brought in those
ships to Blackney haven,
& c. Doggermen, *An. 2. H. 8.*
cap. 4.

Domo reparanda.

Domo reparanda.

Domo reparanda est vn Bre
gist pur vn enuers son
vicine, per le chier de qī mea-
son il suppose a son leid voile
happer a son meafon d' mesō,
Reg. orig. fa. 123.

Domo reparanda is a writ,
and hath for one against
his neighbour, by the fall of
whose house he feareth some
hurt shall bee to his owne
house, *Reg. orig. fo. 153.*

Dole-fish.

Dole-fish.

Dole-fish semble destr̄ ceux
pissons que les fisher-
homes annualment employ
en le North mere, d' custome
receiuent pur leur allowaice.
Vies le Statute, *Ann. 35. H. 8.*
cap. 7.

Dole-fish seemeth to be
those fishes which the
fishermen yearly employ
in the North Seas, doe of
custome receiue for their al-
lowaunce. *In the Statute,*
Anno 35. H. 8. ca. 7.

Donatius.

Donatiue.

Donatine.

Donatiue is a Benefice merely giuen and collected by the Patron to a man, without other presentation to the Ordinarie, or institution by his Ordinarie, or induction by his commandment, F.N.B. 35.c. See the Stat. of 2.R.2.cap. 4. Peter Gregorie de beneficijs cap. 11.num. 1. hath these words: But if Chappels founded by Lay men were not approued of by the Diocesan, and as they terme it, spiritualized, they are not accounted Benefices, neither can they be conferred by the Bishop, but remaine to the pious disposition of the founders: wherefore the founders and their heires may giue such Chappels, if they will, without the Bishop.

Mr. Gwyn in the Preface to his Readings saith, That the King might of ancient time found a free Chappell, and exempt it from the Jurisdiction of the Diocesan: So also he may by his letters Patents giue licence to a common person to found such a chappell, and to ordaine, that it shall bee Donatine,

Donatine est vn Benefice increment done & collecté par le Patron a vn homme sans ou presentation al Ordinarie, ou institution par son commandement, F.N.B. 35.c. Veies le Statute de 2.R.2.cap.4. Peter Gregor. de Beneficijs cap. 11.num. 1. ad ceux parolles Si tamen Capel a lay fundatae per laicos non fuerint a Diocesano approbate, & ut loquuntur spiritualizate, non censentur Beneficia, nec ab Episcopo conferri possunt, sed sunt sub pia dispositione fundatoris. Pur que les founders & leur heires peuvent doner tiels Chappels s'ils voilont, sans le Euesque.

Monsieur Gwyn, en le Preface a ses Lectures dit, Que le Roy puit de quel temps founder vn frank-Chappel, & ceo exempter del Iurisdiction del Diocesan: Il s'ensuyt qu'il puit par ses Letters Patentes doner congee a vn common person de founder tiel Chappel, & de ordeigner, que il serra Donatine, &c

& nient presentable, & que le chapleyn serra dépiuable per le founder & ses heires & nemy per le Euesque, & ceo semble desirer le original de donatiues en Engleterre, Fitz dit, fol. 33. c. Que la sont ascuns Channtries que home poit doner per ses Letters Patents.

Et tous Euesqueries fueront del foundation de Royes Dengleterre, & pur ceo en antient temps ils fueront donatiue, & dones per les Royes, vncorè iammes les Euesqueries sont deuaigné, per les grants del Royes, eligible per leur Chapitre, Coke, li. 3. fol. 76.

and not presentable, & that the Chapleyn shal be depiuable by the founder or his heire, and not by the Bishop and this seemeth to be the original of donatiues in England, Fitz saith, fol. 33. c. That there are some Chantries which a man may giue by his Letters patents.

And all Bishoppicks were of the foundation of the Kings of England, and therefore in the antient time they were donatiue and giuen by the Kings, yet now the Bishoppicks are be come, by the grants of the Kings, eligible by their Chapter, Coke, lib. 3. fol. 76.

Doomes day.

Doomes day est vn lieu que fuit escrie en le tēps de S. Edward le Confessour come est viel N. B. fol. 15. & deuant en le tide Auncient Demesne continēt en c' non solement tous les terres per Angleterre, mes auxy tous les nosmes de ceux en queux maines ils fueront a cel tēps quant le lieue fuit fait M. Lambert proua, Que cest lieu fuit fait en le temps de Gulisme le Conquerer oue que Monsieur Camden

Doomes day is a Booke that was written in the time of S. Edward the Confessor as it is old N. B. fol. 15. and before in the title Auncient Demesne, containing in it not onely all the Lands through England, but also all the names of those in whose hands they were at that time when the Booke was made: M. Lambert proueth, That this booke was made in the time of William the Conqueror with whom M. Camden

in his Brittan, pag. 94. agreeeth, prouoing it out of Ingulphus that flourished the same time, whotouching the Contents thereof hath these words: It describeth the whole Land; neyther was there one Hide in all England whose value and possessor was unknowne, neyther any poole nor place not described in the Kings Roll, and the Rent, Profits, Possession it selfe and possessor not made knowne to the King according to the fidelitie of the Taxors who described the same countrey wherein they were elected, that Roll is called; *Rotulus Wintonie*; and of the English for it's generaltie, for that it containeth all the tenements contained throughout the Land, it is surnamed *Doomes day*. And this Booke is, sometimes called *Liber Iudicatorius* because in it is contained a diligent description of the Kingdom and expresseth the value of all the ground thereof aswel in the time of King Edward as of the time of King William vnder whom it was copied.

en son Brittan, pag. 94. agreea, ceo prouant hors de Ingulphus que flourie mesme le temps, que touchant le contents de ceo ad ceux parolx: *Totam Terram descripsit; nec erat hida in tota Anglia quin valorem eius & possessorem scivit, nec lacus nec locus aliquis quin in Regia rotulo extitit descriptus, ac eius redditus & prouentus, ipsa possessio & eius possessor Regi notitie manifestatus, iuxta Taxatorum fidem qui electi de qualibet Patria Territorium proprium describerebant. Iste Rotulus vocatus est Rotulus Wintonie; & ab Anglia pro sua generalitate quod omnia Tenementa totius terrae continuit Doomes Day cognominatur. Et cest Lieur est ascun foits appel Liber Iudicatorius, quia in eo regni descriptio diligens continetur: & tam de tempore Regis Edward, quam de tempore Regis Gulielmi, sub quo factus est singulorum fundorum valentia exprimitur.*

Dorture.

Dorture.

Dorture is a chmbe roome, place, or chamber where

Dorture est vn. coimmon roome, lieu, ou Chabre

that
depi-
or his
Ditoy
ce the
ers in
fol. 33-
some
a man
er spa-
applica-
tion of
nd, and
nt time
and gi-
pet now
are be-
s of the
y their
fol. 76.

Booke
en in the
the Co-
B. fol. 15
le Anci-
ntaining
e Lands
but also
those in
were at
the Booke
Lambert
this booke
time of
conqueror
Camden
tri

The Exposition of

ou tous les Friers de vn cou-
uent dormōt & giserōt tout
le nuit, anno 25. H. ca. 11.

where all the friars of an
conēt slept and lay all night,
anno 25. H. 2. ca. 11.

Donor & Donee.

Donor and Donee.

Donor est celuy que done
Terres ou Tenements al
auter en taile, & celuy a
que il est done est appel le
Donee.

Donor is he which giueth
lands or tenements to a-
nother in taile, & hee to whō
the same is giuen is called
Donee.

Double plea.

Double plect.

Double plea est loule de-
fendant ou Tenaunt en
ascun Action plede vn plea,
en que deux matters sont
comprehendus, & che-
cun per luy meisme est vn
sufficient barre ou respons
al Action, donques tiel
double plea ne sera ad-
mit pur plea, sinon que vn
depend sur l'auter, & en ti-
el case si il ne poit auer le
sarreine plea sauns le
primer plea, donques tiel
double plea sera bien suffer.

Double plea is where the
defendant or tenant in any
action pleadeth a plea, in the
which two matters be com-
prehended, and euery one by
himself is a sufficient bar or
answer to the action, the such
a double Plea shall not be
admitted for a Plea, except
one depend upon another, &
in such case if hee may not
haue the last plea without the
first plea, then such a double
Plea shall bee well suf-
fered.

Double quarel.

Double quarrell.

Double quarel est vn com-
plaint fait per ascū Clerk
ou auter, al Archieuesque
del prouince, enuers ascun
inferiour Ordinarie pur de-
lauer d' Iustice en ascū cause
ecclesiastical, come a doner

Double quarrell is a com-
plaint made by any
Clerke or other to the
Arch Bishop of the Pro-
uince, against any infe-
riour Ordinarie, for delay-
ing of Justice in any cause
ecclesiastical, as to give
sentence

sentence, or to institute a Clerk presented, or such like, The effect of which is, That the Archbishop taking knowledge of such delay, directeth his Letters under his authentical seal to all and singular Clerks of his Prouince, there by commanding, and giving authority to them and euerie of them, to admonish the sayd Ordinarie within nine daies to do the Justice required, or otherwise to cite him to appeare before him or his officiall at a day in the said letters prefixed, and to assigne the cause of his delay: And lastly to intimate to the said Ordinarie, that if hee performeth not the thing intimated, hee shall appeare at the day assigned, hee himselfe without other day till proceed to performe the Justice required. And it somethimes becometh a double Murrell, because that it is most commonly made against the Judge and him at whose request Justice is delayed.

Dower.

Dower by the Law of the Realme, is a portion which a widow hath of the lands of her husband, which

sentence, ou de instituer vn Clerke presentus, ou tels semblables, Le effect de que est, que le Archeuesque prenant conuissance de quel delay, directa ses lettres sous son seale authentique a tout & singular Clerkes de son Prouince, par cez euz commandant, & donnaunt euz autoritie & chefeun de euz, Admonisher le dit Ordinarie deins neufse iours a faire le Iustice demaund, ou autrement de citer luy & appareer deuant luy ou son Official al vn iour en les dits Letters prefixes, & la Jalledger le meistre de son delay: Et denierment de intimer al dit ordinarie, que sil ne performe pas le chose enioyne ne apparust al iour assigne, il luy mesme sans autre delay procederoit de performer le Iustice require. Et ceo semble estre terme vn double querelle pur ceo que est pluis communement fait enuers le Iudge & celuy a que petition Iustice est delay.

Dower.

Dower p le ley del realme, est vn portion que feme ad del terres del baron, quel

The Exposition of

per common ley, est le tierce part, & per assignement del baron per assent son pere al huis del Esglise, & poit auer tant del terre son pere come est assint assigne, & issint del assignement son baron depart son terre demesne. Et Dower per custome de ascun lieux est d'aute le moitie del terre le baron. Et auxy Dower est vn Brieft, & gift lou home est sole seise durant le couerture perenter luy & sa feme, de terres ou tenements en fee simple ou fee taile, lou per possibilitie le issue enter eux poient inheriter, si quel home deuoit, la feme recouera le tierce part de tous les terres dont le baron fuit sole seise ascun temps durant le couerture per Brieft de Dower unde nihil habet mesque il ne morust seise, & mesque il ad fait alienation de ceo en sa vie.

Mes si home deuant le Statute de Vses, 27 H. 3. ad terres, en queux aute home, ou auters homes fueront seises a son oepe tous foies durant le couerture, & ceux a que depeils fueront seises deuoit deuant le dit Statute, la feme ne poit serroit endow.

by the common Law is the third part, and by her husband's assignement by his father's assent at the church door, she may haue so much of his father's lands, as is so assigned, and so of the husband's assignement of part of his owne land. And Dower by the custome of some places, is to haue halfe the husband's lands. And also Dower is a writ, and it lyeth where a man is sole seised during the couerture betweene him and his wife, of lands or tenements in fee simple, or fee taile, where by possibilitie the issue betweene them may inherite, if such a man die, his wife shall recouer the third part of all the lands whereof the husband was sole seised any time during the couerture by a writ of Dower unde nihil habet, though her dyed not seised, and though that hee made alienation thereof in his life.

But if a man befoze the Statute of Vses, 27 H. 3. had lands, in the which any other man, or other men were seised to his wife alwaies during the couerture, and hee so dyed, whiche they were seised with befoze the said Statute, his wife shall not be endowed.

And

And also if before the said Statute, two men be seised of Lands to the use of one of them, and he do take the wife, or die before the said Statute, his wife shall not be endow'd. Also if a man bring a Writ of Dower, she shall recover damages, for the profit run after the death of her husband if her death be seised thereof. but if any alienation of estate were made during the coverture, so that the husband did not seise, then though she shall recover the Land, yet she shall recover no damages.

Also there is another writ of Dower, called a writ of Right of Dower, and it lyeth where a woman hath recovered part of her Dower in one County, and the other part she is to recover. Also in divers cases a woman shall not have Dower, as if the husband commit Treason, for the which he is attain'd, then his wife shall have no Dower.

Also if she go away from her husband with another man in adultery, and if she be not reconciled to her husband of his own will without coercion of the Church she shall not be endow'd. See Lit. 1. ca. 4.

Et auxy si deuant le dit Statut deux hommes sont seises de Terre al oep de vn de eux, & celly a q oep &c. deuis deuant le dit Statute, la femme ne sera endow'e. Auxy si femme port briefe de Dower, el recouera Damages, pur le profit incurrus apres le mort la Baron, sil mourut de ceo seisie: mes si aucun alienation ou estate soit fait durant le coverture, issint que le baron ne mourut seisie, donques mesque el recouera la terre, vncore el ne recouera damages.

Auxy il est vn autre briefe de Dower, appel briefe de Droit de Dower, & gist lou feme ad. recouer part de sa Dower en mesme la ville, & autre part el est a recouer. Auxy en diuers cases feme nauera dower, sicome le baron fait Treason, pur que il est attain't, donq, la feme nauera Dower.

Auxy si el elopa de sa baron ouesque vn autre homme en aduoutry, & si el ne soit reconcile a sa baron de son bon volunt sans coercion del Eglise, el ne sera endow. Veies Littleton lib. 1. cap. 4.

The Exposition of

Et issint nota, que lou per
Ciuil Ley, Dower est ceo q
le baron erte que la feme pur
le mariage, de maintenir
leur ioyne estate, per les
leyes del realme, per le pa-
rol (Dower) est intende, le
portion que le feme puis le
mort del baron, auera pur
sa viuer.

And so note, where in
the Ciuil Law, Dower is
that which the husband hath
with his wife for the ma-
riage, to maintain the ma-
ried estate, by the lawes of
the Realme, by the word
(Dower) is meant such por-
tion as the wife after her
husbands death shall haue
to liue on.

Droit

Droit est lou vn ad chose
que s'uit tolle de auter
per tort, come per disseisin,
discontinuance, ou eiection,
ou tiels semblables,
& le challenge ou claime
qu'il ad que auoit le chose,
est terme Droit.

Si feme release tout sa
Droit a cestuy en reuerſion,
sa Dower est extinct, car
quaunt le Droit que est le
foundation & le principal
est release, per consequence
le action que n'est forsque
le meane a recouer ceo,
est auxy release. Per re-
lease de tout title al Terre
tout son droit est extinct. If
he quaunt home ad title ou
per condition, ou per aliena-
tion en moremaine, le re-
lease de tout son Droit ex-
tinguera cest title, *Coke, lib. 8*
fol. 31. 133.

Right

Right is where one hath
athing that was taken
from another wrongfully,
as by disseisin, discontinu-
ance, or putting out, or such
like, and the challenge or
claime that hee hath, who
should haue the thing, is
called Right.

If a woman release al
her right to him in reuerſion,
her Dower is extinct, in
wher the right which is the
foundation & the principal,
is released, by consequance
the action which is but the
meanes to recover, is also
released. By release of al
title to the land all his right
is extinct. So when a man
hath title either by condi-
tion, or by alienation in more-
maine, the release of al his
right shall extinct them title.
Coke, lib. 1. 53. 153.

Right.

Right of entrie.

Right of entrie is whē one
seised of land in fee, or other
of inheritance, now the disseisor
hath right to enter into the
land, & may so do when he
will, or else may have a writ
of right against the disseisor.

Droit d'entree.

Droit d'entree est quant un
seigneur de terre en fee, est
de ceo disseisee, or el disseisee
ad droyt d'entree en le terre, &
poit qāt il voile, ou il poit aū
brieve de droyt d'entree le dis-
seisor.

Dum non fuit com-
positio mentis.

Dum non fuit compositio men-
tis is a writ, and it lieth
when a man that is out of
his wit, that is to say, mad
or lunaticke, alieneth the
land which he hath in fee
simple, and dieth, then his
heire after his decease shall
have this writ, for that a
man shall not be retained to
disable himselfe. Also this
writ may be made to the Per-
sonal Poſt.

Dum non fuit com-
positio mentis.

Dum non fuit compositio men-
tis est un brie, & gist lou hōe
q est hors d son hōne memō-
ry, cē adire, insan ou lunatique
aliē les terres q il ad ē fee sim-
ple, & deuy, doncs son hīr aps
son decease aū. cē bīr, mes il
n aūa cest brieve, p c q hōe
ne serra receue aū disabluy
mesme. Auxy cest Brieve
puit este fait en le Per, Cui, &
Poſt.

Dum fuit infra
statum.

Dum fuit infra statum
is a writ, and it ly-
eth when an Infant with-
in his minority has done
which he hath in fee sim-
ple, & pūr terme of life, when
he is come to his full age

Dum fuit infra
statum.

Dum fuit infra statum
est un brieve, & gist lou
Enfant deins age alien sa
Terre que il ad en fee sim-
ple; ou pūr terme de vie,
qāt il vient a son pleine age

The Exposition of

il auera cest Briefs, ou il
puit enter sil voile, mes il
couient que il soit de pleine
age, iour de son briefs pur-
chase. Axxx. si on fait alien
son terre, & de me, son issue
a son pleine age auera cest
briefs, ou puit enter, mes le
issue auera cest briefs deins
son age.

he shal haue this writ, or he
may enter if he will; but it
behooneth that he be of full
age the day of his writ
brought. Item if an Infant
alien his land and die his is-
sue at his full age shal haue
this writ, or he may enter,
but the issue shal not haue
this writ within his age.

Dressse.

Dressse en son vn home est
garde en prison, ou re-
traîne de son liberte, contra-
rie al order & ley, ou menasse
deste occide, mayhem, ou
grandement batre, & si tel
person issint en prison, ou pa-
wor pur tel menasse, fait al-
cun especialtie ou obligati-
on per reason de tel impris-
onment, tel Fayte voyd
en le Ley, & en Action port
sur tel especialtie puyt dire,
Que il fuit fait per dures de
son imprisonment. Mes si
home soit arrest sur ascun A-
ctio al fuit d'un auf, mesq;
cause del Action ne soit bone
ne voir, si fait ascun Obliga-
tion a vn Estrange est-
ant en prison per tel arrest,
encore il ne ferra dit p dures,
mes sil fait obligac' a luy a

Dures is where one is kept
in prison, or restrained
from his liberte, contrary
to the order of the Law, or
threatened or menaced to be
killed, maimed, or greatly
beaten, or if such person son
prison, or in fear of such
threatnings, make any spe-
cialtie or obligation, by reason
of such imprisonment, such
act is void in the Law, and
in an Action brought upon
such an especialtie, he may
say, that it was made by du-
res of imprisonment. But if
a man be arrested upon an
action at the suit of another,
though the cause of the writ
be not good nor true, if he
make an obligation, he shall
not being in prison by such
arrest, yet it shall not be said
by dures. But if he make
an obligation to him, or
whoso

whose suit he was arrested
to be discharged of such im-
prisonment, then it shall be
said *W. districte*, as it is sayd.

que fuit il fuit arrest d'ce dis-
charge de tiel imprisonment,
douques il sera dit dures, vt
dicitur.

E

Ealderman.

E Alderman amongst the
Saxons, was as much
as Earle amongst the
Danes, *Camb. Brit. pa. 107.*
And at this day we call them
Aldermen which are associ-
ates to the chiefe Officer in
the common counsell of the
towne, *24 H. 3. ca. 13.* and in
some places the chiefe officer
himselfe is called Alderman.

Easement.

Easement is a *districte*
that one neighbor hath of
another, by writing or pre-
scription without profit, as
a way or a litle throu his
land, or such like, *K. it. fo. 105.*

Electione firma.

Electione firma, looks for
that in the title *Quare cie-*
cit infra terminum.

E

Ealderman.

E Alderman en les Saxons
fuit tant come Count
enter les Danes, *Camb.*
Brit. pag. 107. Et a cest iour
nous appellomus ceux Al-
dermen que sont Associati al
prim Officer en le Common
Counsell del ville, *24 H. 3. ca. 13*
& en ascun lieux le prim Of-
ficer luy mesme est appel-
Alderman.

Easement.

Easement est un *immunitie*
q vn vicine ad d'un aut p
charter ou prescription sans
profit, come vn voy ou vn
chanel p son l'ieu, ou tiels sem-
blables, *K. it. fo. 105.*

Electione firma.

Electione firma, vide de eco
en le title *Quare cie-*
cit infra terminum.

X +

Eiect-

The Exposition of

Electment de gard.

*Electment de gard, vies de c'
en le title Gard.*

Electment de gard.

*Electment de gard, looks for
that in the title of Gard.*

Eyre Iustices.

*Eyre Iustices, ou Itinerant, cōe
nous appellous, fuerount
Iustices q̄ vſe de equitate de
lien al lieu p̄ tout l'realme, p̄
administrier justice.*

*Et ceux Iustices auoiet au-
thoritie en ancien temps a
grant terre que fuit seise p̄
le Roy par Alienation sans
Licence, car adonques Iusti-
ces en Eyre puy soyent auer
grant del Terre en fee, ren-
dant rent come Iustices del
Forest, que en effect quant a
cest purpose sont Iustices en
Eyre a cē iour, poyent d̄ ter-
res enclose deins vn Forrest,
sans congee le Roy, Co. lib. 2.
fol. 80.*

Eyre Iustices.

*Eyre Iustices, or Itinerant, as
we cal them, were iustices
that wold to ride from place
to place throughout the
realm to administer justice.*

*And these iustices had au-
thoritis in ancient times to
grant land that was seised
for the King, for alienation,
without licence, for then ju-
stices in Eyre might have
granted such land in fee, ren-
ding rent as iustices of the
Forest, who in effect, as to
this purpose, are Iustices in
Eyre at this day, may of
lands inclosed within a for-
rest, without the Kings li-
cence, Co. li. 2. fo. 80.*

Election.

*Election est quant home
est laisse a son frank arbi-
terment de mesme de prendre
ou faire vn chose ou autre
que il voiles Come si A. co-
uenant de payer a B. vn liuer*

Election.

*Election is when a man
is left to his owne fre
will, to take or doe any
thing or another which he
pleaseth : As if B. con-
nantly to pay B. a pound
of*

of pepper or saffron before
Pentecost, it was the elec-
tion of B. at all times before
whitsonday, which of them
he will pay, but if he pay not
not before the said feast, then
afterward it is at the election
of B. to have his action for
which he pleads, either of
the pepper or of the saffron,
Dyer fo. 15. pl. 103. in C.

So if a man gives to a-
nother his horse and cow, the
donor may take the one or
the other at his election, but if
it be said that he will give in
the future time, then the re-
ceiver cannot take the one or
the other, for then the election
is in the donor, 21. H. 7. 1. 9.

Also if a justice of the peace
direct his warrant to a ven-
table, to bring the party ap-
peared, before him, or to
another justice, it is at the elec-
tion of the Constable to go
to what justice he pleases,
Coll. fo. 55. & in the same
words in many other cases.

Elegit.

TO holde by Elegit, is
where a man hath reco-
uered debt or damages by a
writ against another by es-
tortion, or in other manner,

de pepper ou saffron deuant
Pentecost, est al election. A.
tout temps deuant Pentecost,
q de eux il voyle payer : mes
sil ne ceo paya deuant le dit
Feast, dunque en ap̄s ē al ele-
ction de B. p̄ auer son ac-
tion p̄ quel a luy pleist, ou del
pepper ou dī Saffron, Dy. f. 15.
pl. 104.

Issint si home done a vn
aue son Chival ou Vache, le
Donec, poit prender lun ou
lauē a son election : Mes si
fuit quel doneta en le futur
temps, la le donec ne poit pr-
der lun ou lauē, car donq; le
elec' est e le don, 21. H. 7. 1. 9.

Auxy si vn iustice d̄ peace
direct son warrant a vn Con-
stable d̄ ameisi le party attach
deuant luy ou aue iustice, est
al election del Constable d̄ al
a quel iustice q a luy pleist,
Coll. li. 5. f. 55. & en mesme le
manier est en plusieurs autres
cases, adont qulques unes se
font en ces termes.

Elegit.

TENER per Elegit, est
lou home ad recover
Det ou damage per Brieve
deuers vn auter per Conu-
sance ou en auter manner,
il

The Exposition of

il auera deins le anne deuers
luy vn brieſe iudicial meſme
Elegit, dauer executiſ d' mo-
rie de tous ſes terres & cha-
reles, (except boefs & auers
ala carues) tanquele dette ou
damnages ſoyent ouſtermiet
leuies ou payes a luy, & du-
rant ceſt tme il eſt venant per
Elegit.

Et nota, ſil ſoyt ouſta
deins le Terme, ſil auera
Aſſiſe de Nouel Diſſeiſin, &
apres vn Rediſſeiſin, ſi be-
ſoigne ſoyt, & ceſt done p
le Eſtatute de Weſtmonaſter. 2.
cap. 13. Et auxy per le equitie de
meſme le Statute, celuy q ad-
ſon eſtate, ſil ſoyt ouſta, a ſon
Aſſiſe de Rediſſeiſin ſi beſoign
ſoyt. Et auxy ſil face ſes exe-
cutors & deuies & ſes execu-
tors entrent, & puis ſoyent
ouſtes, ils aũont per le equi-
tiede meſme le ſtatute, tiel
aſſion come luy meſme ſuiſ-
dit. Mes ſil ſoyt ouſte, &
puis fait ſes Executors & deu-
uies, ſes executors parront en-
ter, & ſils ſoyent eſtoppes de
leur entrie, ils aueront vn bſ
de Trespas ſur leur matter &
caſe.

Et nota ſil face Waste
en tout le terre, ou en par-
cell,

he ſhall haue within the per-
sonall time a writ of writ of
Elegit, to haue execu-
tion of the half of all his il-
lueſſes, (except Oxen and
beaſtes of the plow.) till the
debt & damages be wholly
leuied and paid as bym. & du-
ring the terme he ſhall remain
by Elegit.

And note well, That if
he be put out within the
term, he ſhall haue Aſſiſe
of Nouel Diſſeiſin, and af-
ter a Rediſſeiſin if he be de-
uied, or if he be put out by the
ſtatute of Weſtminſter. 2.
cap. 13. And also by the equity of
the ſaid ſtatute he that hath his
eſtate if he be put out ſhall
haue Aſſiſe and Rediſſeiſin if
need be. And also if he make
his executors & die, & his ex-
ecutors enter, & after be put
out, they ſhall haue by the e-
quity of the ſame Statute,
ſuch Writ as he himſelf
might haue. And if he be put
out, and after make his ex-
ecutors and die, his executors
may enter, & if they be ſtop-
ped of their entree, they
ſhall haue a writ of Tres-
pas by their matter, and
caſe.

And note well, if he be
put out of the land of par-
cell,

cell, the other shall have a
guilt: him immediately in
judiciall, out of the first
record, called *Vener facias*
ad Computandum, by which
it shal be enquired if he has
leued all the money or par-
cel, and if he have not leued
the money, then it shal be en-
quired, to how much the
Waste amounteth, and if the
Waste amounte but to partel,
the haw much of the money
or the land amounteth unto
that he hath leued of the for-
sayd money which he hath le-
ued. And if he have paid
more Waste than the forsayd
summe of money which shal
not be leued amounteth, the
other shall be discharged by
and by of all the forsayd,
and shall recouer the land.
And for the Superfluitie of
the Waste made above that
that amounteth to the for-
sayd summe, he shall recouer his
damages, and if he have
indeed of his executors, and
also of him that hath his
estate, and also of his
And note that if he alien
in fee for terme of life, as an
tailor, or partel of the land
which he holdeth by Elegit,
if the alienation bee made
within the terme or other, he
which hath right shall haue
against him an *Assise* of

cell, l'autre adra enuers luy
maintenant, vn Briefe Ju-
diciall hors de le premier Re-
corde, appelle *Vener facias*
ad computandum, par lequel de
quel terra inquisie sil ad leuy
tous les deniers ou parcel, &
sil n'ad leuié les deniers, don-
ques terra laquisie a quant
le Waste amouente, & si le
Waste amouente sinon a
parcel, donques tanta des de-
niers que le Waste amouente,
sera abridge de les suids
deniers quex fueront destre
leuiés. Mais si l'ad fait plus
Wast que le auant dit summe
de Argent que suit a estre
leuié amount, l'autre sera
discharge maintenant de
tous les deniers suids, &
recouera la terre. Et pour la
superfluitie de waste fait,
ouster ceo que amouente a le
dit summe, il recouera ses
damages singls, & mesme
le Ley est de les Executeurs,
& auxy de cestuy que ad son
estate. modus, &c.
Et nota, si l'alien en fee,
ou a terme de vie, ou en
Taile, tout le terre ou par-
celle de la Terre, que il elen
per Elegit, si le Alienation
foyt fait deins le terme ou
apres, cestuy que ad droit
aueir vers luy vn *Assise* de
Nouel

The Exposition of

Nouvel Disséin. Et conient
que ils soyent mis en l'Allice-
ambideux, auxy bien le alie-
nor come le Alience, & non
obstant que le Alienor deute
maintenant; vicore cestuy
que ad droyt; nous vers le
Alience sole l'Allice; come il
vst estre son simple Tenant a
terme de ans. Exceß est per
le equite du Statute de *West-*
monasterium 2. cap. 25. par
ceo que il nad forsque chat-
tel en effect; & meisme l'Lev
est de ses Executours; & de ce-
stuy que ad son estat, come
est suiscit.

Et nota, Que en Alez
si le Viscount retourne, Que
il auoit riens iour de la Re-
cognitione fuyt; mes que Il
purchast terre puis le temps,
adonques le parle Plainife
auera nouel Brieft de luer
execution de ceo; mesme le
Ley est de vi. Estatut Mel-
chant.

Et nota, Que apres le
Fieri Facias, vn homme peut
auoir le Elegis, mes non con-
staunt que le Elegis est de
plus hault nature que l'Fieri
Facias.

Et nous, que si home recof
p briefe de Deu, & sue vn Fi-
tisfacias, & le Viscount re-
turne, Quele defendant n'ad
rien dont il poyt fayre

debt.

debt to the partie, then the
plaintiffe that haue Elegit of
Capias sicuralias, and a Plu-
rity. And if the Sheriffe re-
turne to the Capias, and to
what corpse, & he haue any
thing whereof he may make
satisfaction to the partie, he
shall be sent to the prison of
the fines, and there shall a-
bide until he haue made
agreement with the partie,
and if the Sheriffe returne
Non est inuenius, then there
shall goe forth an Exigent
against him.

And note well that in a
Writ of Debt brought a-
gainst a Parson of holy
Church, which hath no-
thing of Lay fees, and the
Sheriffe returneth that he
may not be summoned, then
shal the Plain. take Writ to
the Bishop, that he make
his Clerke to come, and the
Bishop shall make him to
come by sequestration of the
Church.

And note well, That if a
man dying a Writ of Debt,
and recover, and make his
Executors, and dieth, they
shall not haue Execution,
notwithstanding that it bee
within the yeare by a Fieri
Facias.

grec a le partie, donques le
Plaintiffe auera vn Elegit,
ou vn Capias sicut alias, &
Plurier. Et si Viscount re-
turne a le Capias, ditto vo-
bis Corpus, & il nad riens
downt il poit fait grec al
partie, il sera maund al gaile
del Fleet, & illonques de-
mura tanque il ad fait grec
al partie, & si le Viscount
returne, Non est inuenius,
adonques issira Lexigent
enuers luy

Et nota que en Brieft
de Dette port deuers Parson
de Saint Esglise, que nad
rien de Lay fees, & le Vicone
retourne que il nad riens
per que il poit estre sum-
mone, adonques le plain-
tiffe suera Brieft al Euesque,
que il face vèner son Clerke
& Leueique luy sera ve-
ner per sequestration del Es-
glise.

Et nota bene, que si home
port Brieft de Det, & reco-
uer, & face ses Executors &
deuie, ils naueront execu-
tion, non obstant que il
soit deias lan per vn Fieri
facias.

Elope-

The Expolition of T

Elopement.

Elopement est quant femme & espouse departa de son Baron oue vn adulterer & eue le adulterer demourant sans voluntarie reconciliation a sa baron, per ceo el perdra sa Dower per le Statute de Westminster 2. cap. 34. Sur, que vn versé ad estre fait en cel manner.

Sponte virum mulier fugiens, & adultera facta, Dote sua careat, nisi sponte sponso retracta.

Embleaments.

Embleaments sont les profits de Terre que ad estre semé, & en ascuns cases cestuy que ceo emblea eux aver, & en ascuns nemys come si tenaunt pur vie emblea le terre & apres mortust les Executors del Tenant p vicuaria les Embleaments, & nemys cestuy en reuersion.

Mes si tenaunt pur ans emblea le terre & demaunt que il ad seuer les embleaments del Terre son

Elopement.

Elopement is when a married woman departs from her husband with an adulterer, and the adulterer dwells without voluntary reconciliation her husband, by that she loses her dower by the Statute of Westminster 2. cap. 34. Whereupon a writ hath been made in this manner.

The woman that her husband leaves, And in adultery leads her life If that he die unreconciled, The Law endoweth no such wife.

Embleaments.

Embleaments are the profits of the Land which haue in it such and in some cases he which soever they shall have them, and in some not as if tenans for life so the husband or after his death, the executors of the tenant for life shall haue the Embleaments, and not he in reversion.

But if tenant for years so the Land, & before that he hath severed the Embleaments from the Land his

term expyrye, that the
Lessee or her in reuerſion
ſhall haue the embleaments
and not the leſſor for paſſed.
If one diſſeiſeth ano-
ther the embleaments grow-
ing vpon the Land, and af-
terwards I recenter, and
ſhall haue an Action of Treſ-
paſſe againſt him for the
embleaments; but if my diſ-
ſeiſor maketh a Feoffment
in Fee, or leaſeth the Land
whereof he diſſeiſed me, and
the Feoffee or Leſſee taketh
the embleaments, and after
I recenter, I ſhall not haue
treſpaſſe; Vi & armis
againſt them which come in
by title; but againſt my
Diſſeiſor, Coke, lib. 11.
fol. 51.

If a woman copieholder
during her widowhood ac-
cording to the cuſtome of the
Mannor ſoweth the Land,
and beſeys the ſeuurance of
the embleaments ſhe taketh
a Husband, the Lord ſhall
haue the embleaments.
If a woman ſeiſed of
Land during her widow-
hood, maketh a leaſe for
yeares, and the Leſſee ſow-
eth the Land, and the wo-
man taketh a Husband,
there the Leſſee ſhall not
haue the embleaments al-
though his eſtate bee deter-
mined by the act of a ſtranger

term expyre, ore le leſſor
ou ceſtuy en reuerſion au-
ra les embleaments &
amey le leſſee pur ans.
Si vn diſſeiſe moy &
ſuccede les Embleaments,
creſſants ſur le Terre &
puis ieo recenter, ieo au-
ra l'Action de Treſpaſſe
vers luy pur les emblea-
ments; mes ſi mon diſ-
ſeiſor fait feoffement en
fee ou leſſa le terre dont
il moy diſſeiſit, & le
Feoffee ou Leſſee priſt
les Embleaments, & pu-
is ieo recenter, ieo n'au-
ra treſpaſſe Vi & armis
vers eux queux veignent
eins per title; mes vers
mon Diſſeiſor, Coke, lib. 11.
fol. 51.

Si feme Copieholder
Durante viduitate ſua ſo-
longue le cuſtome del
Mannor emblea le ter-
re & deuant le ſeu-
rance des embleaments el
priſt, baron le Seignior
auera les embleaments.
Il ſint ſi feme ſeiſe de
terre Durante viduitate,
fait vn leaſe pur ans & le
leſſee emblea le Terre
& puis la feme priſt
baron, ore le leſſee au-
uera les embleaments co-
ment que ſon eſtate eſt
deſimine per la & d'un eſtran-
ger

The Exposition of

ger. Et nient obstant que
est communement tenu en
nostre lieus. que si home
lessa terres a volonte de
puis le lessce emblea le
Terre, & puis le volunt est
determine, que le lessce a
vera les emblements, vn
code si le lessce luy mesme
determine le volunt d'euant
le seurance des blees il na
vera les emblements, Vies
Coke, lib. 5. fol. 118.

Embrasour ou Embraciour.

Embrasour ou Embraciour,
est celuy, que quant vn
matter est en trial perenter
party & party, vient al barre
oue vn del parties (ayant
resceiue ascun reward pur
issint faire) & parle en le
case, ou pieneymment labor
le iurie, ou estoia la pur sur
ueier ou suriueu eux per
cest means demitter eux en
pauour & dout del mat
ter. Mes homes que sont
erudite en ley, poient par
ler en le cas pur leur Clients.

Emparlance.

Emparlance est quant home
esteant a responder a la
cion ou suit dun auter
pria ascun temps de res

ger. And althoughe it is com
monly held in our Books,
That if a man leaseth
land at will, and after
the lessee so leaseth the land
and then the will is deter
mined that the lessee shall
have the Emblements,
yet if the lessee himselfe de
termines the will before the
insurance of the crops, he
shall not have the Emble
ments, *See Co. l. 5. fo. 118.*

Embrasour or Embraciour.

*Embrasour or Embrace
our,* is he that when a
matter is in trial between
party & party, cometh to
the Barre with one of the
parties (having received
some reward so to doe) and
speaks in the case, or
laboureth the iury,
to turne them to turne
to the point in fauour
of the matter. But
such that are learned in the
law, may speak in the case
for their Clients.

Emparlance.

Emparlance is when a
man being to answer to
the Petitioner is allowed
some delay to answer
it

respice to aduise himselfe the better what hee shall answer; and it is nothing else but a continuance of the cause untill a further day.

And for this although the Plaintiffe (in the Kings Bench) after the Barre pleaded, hath time to reply two or thre Termes after, yet no mention shall be made in the Roll of any emparlance or continuance, but the entry shall bee general, and so intended to bee the same Terme. But it is otherwise with a Barre, for it containeth the emparlance or continuance, and is in this manner: And now at this day, that is, Friday, &c. in the same Terme, untill which day, the aforesaid A. had licence to imple, &c.

But there is no such entry upon any replication or repleader: See Coke, lib. 5. fol. 75. Britton, cap. 53. Weth this word for the conference of a Jury upon the business to them committed.

Enfranchisement.

Enfranchisement is when a man is incorporated into any Societie or Body

respice de luy mesme aduiser le mieux que il respondra; & nest autre forsque continuance del caust al vn iour ouster.

Et pur ceo eoment le Plaintiffe (en Banke le Roy) apres le Barre pleade ad iour de reply deux ou trois Termes apres, yncore nul mention seira fait en le Roll d'aucun emparlance ou continuance, mes le entry seira generalment, & entend desirer mesmele Terme. Mes autrement est de vn Baire, car ceo contene le imparlance ou continuance, & est en tiel forme: Et modo ad hunc diem, scilicet diem veneris, &c. Iste eodem termino, usque ad quem diem predictus A. habuit licentiam interloquendi, &c.

Mes nul tiel entry est fait sur aucun replication ou repleynder. Veies Coke, lib. 5 fol. 75. Britton cap. 53. vlc cest parol pur le conference d'un Jurie sur le cause a eux commise.

Enfranchisement.

Enfranchisement est quare home est enccorporate en aucun societie ou Corps poliuique.

The Exposition of

politique; issint si alien nee
solt fait Denisen Dengli-
tere, il est dit destre enfran-
chise: Et cestuy que est
fait vn Citisen de Lon-
dres ou auter Ville Cor-
porate, par ceo que il est fait
perhour de ceux Franchi-
es, queux appent al Cor-
poration en que il est en-
franchise.

Et quant home est en-
franchise en vn Citie ou
Borough, il ad Frankte-
nement en son freedome pur
son vie, & oue auters en
leur politique capacite, ad
Inheritance en les Terres del
dit Corporation, pur que
le matter que serra cause de
son disenfranchisement
ouient estre vn Acte ou Fait,
& nemy conation ou enter-
prise dont il poit repent
deuant le execution de
ceo: Et que serra suffici-
ent cause de disenfranchi-
ser vn frankehome, & que
nemy: Veies Coke, lib. 11.
en laques Baggs Case, fol.
97.

politicks; so if an alien born
bee made Denizen of Eng-
land, he is said to be enfran-
chised; and he that is made
a Citizen of London or o-
ther Towne Corporate, be-
cause that hee is made par-
taker of those Liberties
which belong to the Cop-
poration wherinto hee is en-
franchised.

And when a man is En-
franchised into a Citie or
Borough, hee hath a free-
hold in his freedome for
his life, and with others
in their politique capacities,
hath inheritance in the
Lands of the said Cop-
poration, wherofe the thing
which shall bee the cause
of his disenfranchisement
ought to bee an Acte or
Deede, and not onely an
endowing or enterprising
wherof he may repent be-
fore it be put in execution:
And what shall be sufficient
cause to disenfranchise a
freeman and what not: See
Coke, lib. 11. in laques Baggs
Case, fol. 98.

Englesherie.

Englesherie est vn veiel pa-
rol, queriens auter im-
ply forsque destre vn home
anglois: Car en aucient
temps, some appiert per

Englesheric.

Englesherie is an olds
word, which signifieth
nothing else but to bee an
Englisman: For in an-
cient times, as appereth by
Bracton,

Bracton lib. 3. Tract. 1. cap. 13. fol. 134. If a man had been slain or murdered, he was accounted to be a Francigena, which word importeth every Alien who till Engletherie were proved, that is, until it was made manifest that he was an Englishman: The originall whereof was on this wise:

Kanutus the Danish king having established his estate here in peace, at the request of our Barons discharged his hand of his Treason, wherein he respected his greatest safety, upon this condition, That the Barons would give consent to a Law, That whosoever should kill an Alien, and was apprehended, and could not acquit himselfe, hee should be liable to Justice: But if the murderer escaped and could not be taken, then the towne where the man was slain, should forfeit sixty six Markes to the King, and if the towne was not able to pay it, then the Hundred should forfeit and pay this to the Kings Treasurie. Further, That every man murdered, should be accounted Francigena, unless that Engletherie were

Bracton, lib. 3. Tract. 1. cap. 13. fol. 134. Si vn homme ad este tue ou murdre il fut it account desirer Francigena, quel parol empla chesun Alien, ielsque Engletherie fuit prouue, ceo est, ielsque il fuit fait manifest que il fuit vn home Anglois: Le commencement de quel fuit en tiel manner:

Kanutus le Roy des Danes ayant establie son estatcy en peace, al prier de nostre Barons discharga le Terre de ses Armies, enque il reposa son greindor safetie, sur cest condition, que les Barons voient doner consent a vn Ley, Que quecunque tuera vn Alien, & fuit attache, & ne puit luy mesme acquitter, il seroit subiect al Justice: Mes si le homicide escapa & ne puit estre prise, donque le Ville ou le home fuit occide, forfeitera 66. Merques al Roy, & si le Ville ne fuit habile de ceo paier, donque le Hundred forfeitera & paiera ceo al Treasurie le Roy, & ouster que chesun home murdre seroit account Francigena, sinon que Engletherie fuit

Y 2 prouue;

The Exposition of

proque; & comment il serroit
proncié par Bracton en mesme
le Chap. Num. 7. Auxy
veies Horns Mirrour de Iusti-
ce, Lib. 1. cap. del Office
del Coroner, & Fleta, lib. 1,
cap. 30. Cest Englesherie
par les abuses & torts que
fueront en après perciaut a
surdur de ceo, fuit tout ou-
sterment abolish per vn Sta-
tute, fait Anno 14. Ed. 3.
cap. 4. Veies Coke lib. 7. f. 16.
Caluins Case.

prooued; and how it should
bee pronounced, see Bracton in
the same Chapter, Num. 7.
Also see Horns Mirrour of
Iustices, Lib. 1. cap. of the
Office of Coroners, and Fle-
ta, Lib. 1. cap. 30. This
Englesherie for the abuses
and grieuances which were
afterwards perceived to a-
rise therefrom, was altoge-
ther abolished by a Statute
made Anno 14. Ed. 3. cap. 4.
See Coke lib. 7. fol. 16.
Caluins case.

Enheritance.

ENheritance est tiel es-
tate en Terres ou Tene-
ments, ou autres choses,
que poyent estre inherie per
le heire, soit ceo de estate
en fee simple, ou talle, per
discent de aucun de ses An-
cestors, ou per son purchase
demesne.

Et Enheritance est di-
uide en deux sorts: Cest a-
cauoir, Enheritance corpe-
rate, & Enheritance incor-
porate.

Enheritance Corporate
sont mesuages, terres, prees,
pastures, rentes, & tiels sem-
blables; que ont substance
en eux mesmes; & poyent
continuer tout temps. Et
ceux sont appel choses cor-
poral.

Enheritance.

ENheritance is such a
state in Lands or Tene-
ments, or other things, as
may bee inherited by the
heire, whether it bee in e-
state for fee simple, or talle,
by descent from any of his
Ancestours, or by his own
purchase.

And inheritance is di-
uid into two sortes: that is
to say, Inheritance Corpe-
rate, and Inheritance In-
corporate.

Inheritance Corporate
are mesuages, lands, me-
dowes, pastures, rents, and
such like; that haue sub-
stance in themselves, and
may continue alwaies: and
these are called Corporal
things.

Inheritance

Inheritance incorporate
are aduowsons, Villaynes,
wayes, commons, Courts,
fishings, and such like, that
are or may be appendant or
appurtenant to inheritance
are incorporate.

Inheritance incorporate
sont Aduowsons, Villaynes,
Wayes, Commons, Courts,
piscaries, & tiels semblables,
q sont, ou poyent estre appende
ou appartenant a Inheritance
incorporate.

Entendment.

Entendment.

Entendment is a usual word
in our Law wher a thing
is in doubt, then by intend-
ment it shall sometimes be
made good. As if an Inqui-
sition be found before a Co-
roner, that a man was mur-
dered at B. which is a Liber-
ty, and it is not sayd in the
Inquisition, at B. within
the Liberty of B. yet it shall
be good by entendment, for
presumption the Liberty
may extend beyond the
town, but that the towne it
self shall be presumed to be
out of the Liberty of the
town is a captious constru-
ction. Wherefore the Inqui-
sition shall be good by ented-
ment, Co. li. 5. fol. 121. See
Kitch. fo. 224.

Entendment est vn commo
parol en nostre Ley, qat
asc chose est en auerist don-
que per entendement il sera
ascun foits fait bone. Come
si Inquisition soit trouue de
uant le Coroner, q vn home
fuit mordre al A. que est vn
Franchise, & nest diten l In-
quisition, al A. deins l fran-
chise de A. vncore ced sera
bone per entendment, car
presumption le Franchise poit
extender ouster le ville, mes
que le Ville mesme sera pre-
sume destre hors del franchise
del ville est vn captious con-
struction, pur que le Inquisi-
tion sera bon per entendmt,
Coke, lib. 5. fol. 121. Veyes
Kitch. fo. 224.

Enterpleader.

Enterpleader.

Enterpleader is wher in
any cause a matter is in

Enterpleader est quant en
ascun cause vn chose es-
Y 3 chia

The Exposition of

Chia que de necessitie doyt
este discusse deuant le prin-
cipal cause mesme soit deter-
mine: Et p^r ceo si deux p^{er}sons
sont troue heire al i^{er}e, per
deux seūal offices ē vn coun-
tie, per ceo le Roy est en a-
werustia que il ferra Liury,
par quel cause, deuant que
liurie soit fait, il voile eux
aue^r enterpleader, & per ceo
determine a que il ferra fayt.
*Veyes Coke. li. 7. fol. 45. Stam.
Prer. ca. 19. Brooke, titulu En-
terpleader.*

veneth, which of necessitie
ought to be discussed before
the principal cause is itselfe be
determined for this, if two
persons bee found heire to
land by two seuerall offices
in one countrey, by this the
K. is in doubt to whom he
shal make liurie, for which
cause before liurie made, he
will haue them interplead,
thereby determine to whom
it shall be made. *See Coke. li. 7.
fo. 45. Stam. Prer. ca. 19. Br.
tit. Enterpleader.*

Entire Tēnancie.

Entire Tenancie.

Entire Tenancie est ceo que
est contrarie al seūal Te-
nancie, & implie vn sole pos-
session en vn home, ou l'auter
implia ioynt ou common en
plusors. *Vies Brooke, Seuerall
Tenancie, & le veiel lieure de
Entries, fourth cest title.*

Entire Tenauncie is that
which is contrarie to se-
uerall tenancie, & signifieth a
sole possession in one man,
where the other signifieth
ioynt or common in more
Br. Seuerall Tenancie, & the
old booke of Entries, vnder
this title.

Entre.

Entre.

Entre est lou vn home ent^r
en aucun i^{er}s ou tene^rts
en son proper person, ou as-
cun autre per son command-
ment.

Ausy sont diuers Brieves

Entre is where a man en-
teth into any lands or te-
nements in his proper per-
son, or any other by his com-
mandment.

Also there be diuers writs
of

de entre which be in diuers manners, one is a writ of Entre sur disseisin, and this writ lieth where a man is disseised, he or his heire shall haue this writ against the disseisor, or any other after tenant of the land. And if the disseisor alien & die seised then the writ of Entre shall be against the heire with the alienor in the Per, viz. in which the Tenant hath no entrie but by such a one, naming the disseisor, which him hath disseised, &c.

And if the heire or alienor die seised, or alieneth to another, then the writ shal be in the Per & Cui, viz. into which the tenant hath no entrie but by such a one, naming the heire or alienor of the disseisor, to whom such a one (naming the disseisor) did let it, which by force disseised him, &c.

And if land be conveyed ouer to many, or if the first disseisor be disseised, then the writ of Entre shall be in the Post, viz. that the tenant hath no entrie but after the disseisor in which the first disseisor made to the demandant or his Ancestor. Soe after, Entre in le Per.

de entre queux sont en dius maners: Vn est brief de Entre sur disseisin, & cest briefe gist lou hōe est disseise, il ou son heire sauant d'it brief aūa vers mesme le disseisor, ou ascun aūe apres Tenant del Terre. Et si le Disseisor aliē, ou deuie seise, donques le briefe de Entre sera vers l'hōe ouesq; l'alienee en le Per, cest adire, ē q le tēnt non habet ingressum nisi p tiel, nosmeant le disseisor, q luy auoyt disseise, &c.

Et si l'heire ou alienee deuie seise, ou aliena al autre, donqs le Briefe sera ē le Per & Cui, cest adire, en quel tēnt non habet ingressum nisi per tiel (nosmeant le heire ou le alienee del Disseisor) cui tiel (nosmeant le disseisor) il dimist, q luy per tort disseise, &c.

Et si terre soit conuey ouster al plusors, ou si le primer disseisor soit disseise, donqs le briefe de Entre sera en le Post, cest adire, que le tenant nō habet ingressum nisi post disseisinam q l le prim disseisor fait al demandant ou son ancestor. Vies apres Entre le Per.

Y 4

Entre

The Exposition of

**Entre en le Per, Cui,
& Poſt.**

**Entrie in the Per, Cui,
and Poſt.**

Briefe de entrie en le Per
gist lou home est disseise
de son franketement, &
le disseisor alien, ou deuie sei-
sie, & son heire entra, don-
ques le disseisee ou son heyre
auera le dit briefe vers theyre
le disseisor, ou vers le aliencee
le Disseisor, mes viuant le
Disseisour il poyt auer Af-
fide si il voile, & le Briefe de
Entre dira, *In quod A. non
habet ingressum nisi per B. qui
illud ei dimisit, qui inde eum
iniuste disseisuit, &c.* Mes si
le Disseisour alien, & le Ali-
encee deuie seisie, ou alien ou-
ster a vn auter, ou si le Dis-
seisour deuie, & son heyre
entra, & celuy heyre aliena
ou deuie, & son heyre entra,
donques le Disseisee ou son
heyre auera Briefe D'entrey
sur Disseisin en le Per & Cui,
Et le Briefe dira, *In quod
idem A. non habet ingressum
nisi per B. cui C. illud
ei dimisit, & inde iniuste
&c.*

Et nota bien, Que nul
Briefe de Entrie en le Per &
Cui serra mainteynable
vers nulluy, mes lou

A writ of Entrey in the
Per, listh where a man is
disseised of his freehold, and
the disseisor alieneth or dy-
eth seised, & his heire enters,
then the disseisee or his heire
shall haue the sayde writ a-
gainst the heire of the Dis-
seisor, or against the Aliene
of the Disseisor, but liuing
the Disseisor, hee may haue
an Affide: if he will, and the
writ of Entrey shall say, *In
qd' A. non habet ingressum
nisi per B. qui illud ei dimi-
sit, qui inde eum iniuste dis-
seisuit, &c.* But if the dis-
seisor alien, & the alience dy-
eth seised, or alieneth ouer to
another, or if the Disseisour
die, & his heire enter, & the
heire alieneth or dieth, & his
heire entreteth, then the dis-
seisee or his heire shall haue a
writ of Entre sur disseisin in
the Per and Cui, & the writ
shall say, *In quod idem A.
non habet ingressum nisi per
B. cui C. illud ei dimisit, qui
inde iniuste, &c.*

And note well, That no
writ of Entrie in the Per
and Cui shall be mainteina-
ble against nons, but where
hee

he that is Tenant be in by purchase or descent: but if the alienation or descent be put out of the degrees, upon which no writ may be made in the Per, or in the Per and Cui, then it shall be made in the Post, and the writ shall say, In qd A. non habet ingressum nisi post disseisinā, quā B. inde iniuste, & sine iudic' fecit p̄f. N. vel M. p̄ano N. cuius hæres ipse est.

Also there are five things which put the writ of Entry out of the degrees, viz. Intrusion, Succession, disseisin upon disseisin, Judgement, & Escheat.

1 Intrusion is when the disseisor dieth seized, and an estranger abaterh.

2 Disseisin upon disseisin is when the disseisor is disseised by another.

3 Succession is when the disseisor is a man of Religion, and dieth, or is deposed, and his Successor enterh.

4 Judgement is when one recovereth against the Disseisor.

5 Escheate is when the disseisor dieth without heirs or doth felonis whereby hee is attainted, by which the Lord entereth as in his Escheat.

il que est tenant soit cins per purchase ou per descent: Mes si le alienation ou descent soyt deuen hors des degrees, sur q̄l nul Briefe poyt estre fayt en le Per, ne en le Per & Cui, donq̄s serra fait en le Post, & l'br dirra, In qd' A. non habet ingressum nisi post disseisinam, quam B. inde iniuste, & sine iudicio fecit p̄f. N. vel M. proano N. cuius hæres ipse est.

Auxy sont cinq choses q̄ mitront le briefe de Entry hors des degrees, cest adire, Intrusion, succession, disseisin sur disseisin, ludgement, ou Escheat.

1 Intrusion est q̄nt l' Disseisor deuy seisie, & vn estranger abata.

2 Disseisin sur disseisine est q̄nt le disseisor est disseisie p vn auter.

3 Succession est lou l' Disseisor est vn home de Religion, & deuie, ou est depose, & son Successeur entra.

4 Iudgement est q̄nt vn recouer vers le disseisor.

5 Escheate est quauant le Disseisor deuie sauns heyre, ou fayt Felonie, per que il est attaint, per que le Seignour entra come en son Escheate.

The Exposition of

En tous ceux Casles le dis-
seisee ou son heire nauera
briefe de Entre deins les de-
grees en le Per, mes en l' Post,
p' ceo q' en ceux dits casles ils
ne sont eins p' discent, ne per
purchase.

In all those cases the dis-
seisee or his heire shall not
have a writ of Entre within
the degrees of the Per, but in
the Post, for that, that in
those sayd cases they are not
in by discent nor by purchase

*Entre ad Communem
Legem.*

Entre ad Communem
Legem.

AVxy il y ad vn Briefe del
Entre ad Communem legem,
& gist lou tenant a tme de
vie, teint a tme d'aut vie, teint
per le curtesie, ou teint en do-
wer alien & deuie, donq's ce-
luy en reuersion aua l'auant.
dit briefe deuers quecunque
q' soit eins apres en les dits te-
nements.

Also there is a writ of En-
tre ad communem legem,
which shalbe granted for term
of life, tenant for terms of
another's life, tenant by the
curtesie, or tenant in dower,
alieneth or diech, then hee in
the reversion shall have the
foresaid writ against whoso-
euer is in after in the sayd
tenement.

Entre in casu promiso.

Entr' in the case provided

AVxy briefe de *Entre in ca-
su promiso* gist, si teint en
Dower alien en fee, ou pur
tme de vie, ou p' aut vie, vi-
uant le tenant en dower, ce-
luy en le reuersion auera le
briefe, appel briefe de *Entre
in casu promiso*, & ceo est pur-
uieu per le statute de *Gloc-
er, cap. 7.*

Also a writ of Entre in ca-
su promiso hath, if granted
in dower alien in fee or for
terms of life, or for another's
life, living the tenant in do-
wer, he in the reversion shall
have the writ called a writ
of Entre in casu promiso, and
this is provided by the sta-
te of Gloc. ca. 7.

Entre

Entre in casu consimili.

Entre in casu consimili.

Also a writ of Entre in casu consimili lieth, if tenant for terme of life, or tenant by the curtesie alien in enclining them in the reversion, he shal haue a writ, called a writ of Entre sur casu consimili, and this is by the Stat. of W. 2. c. 24.

A Vxy Brieft de Entre in casu consimili gist si teneant p tme de vie, ou tenant per la Curtesie alien e fee, viuant eux celuy e le reuision a sia vn bf appel brieft de Entre in consimili casu, & ceo e p lestat d W. 2. ca. 24.

Entre ad terminum qui preterijt.

Entre ad terminum qui preterijt.

Also a writ of Entr ad terminum qui preterijt lieth, if a man lease land to another for terme of yeres & the tenant hold ouer his terme, then the lessor shal haue a writ, which is called a writ of Entr ad termin qui preterijt.

A Vxy Brief de Entre ad terminum qui preterijt gist, si vn home lessa terres a vn aut p tme d'ans, & le tenant tient ouster son tme, donqs le lessor auera Brieft que est appel Brieft de Entre ad terminum qui preterijt.

And also if land be leased to a man for terme of another's life, & hee for whose life the land be leased die, & the lessee hold ouer, then the lessor shal haue this writ

Et auxy si ires sont lesses a vn hoe p terme dauie vie, & cestuy p que vieles terres sot lesses deuy, & le lessce tient ouster, doqs le lessor aua cest Brieft.

Entre without assent of the Chapter.

Entre sine assensu capituli.

Also a writ of Entre sine assensu Capituli lieth,

A Vxy Brieft de Entre sine assensu capituli gist, lou

Entre

The Exposition of

lou vn Abbe, Priour, on tiel que ad Couent ou common seale, aliena terres ou Tenements del droyt de son Esglise, sauns le assent del Couent ou Chapi, & deulx, donques son successeur auera cest Brieve.

where an Abbot, Prior, or such as hath Conſent of common ſeale, alieneth landes or tenementes of the right of his Church, without the assent of the Conuent or Chapter, and dieth, then the ſuccessor ſhall haue this writ.

Entre cauſa matrimonij præloquuti.

Entrie for marriage in ſpeech.

AVxy Brieve de *Entre cauſa matrimonij præloquuti*, gift lou Terres ou Tenements ſont donea vn home, ſur tiel Condition, Que il prendra le Donour a ſa feme deins certeyne temps, & il ne luy eſpouſa deins la dit temps, ou eſpouſe auter Femme, ou luy fayt Preiſtre, ou enter en Religion, ou luy diſable, iſſint que il ne puit luy prender accordant a l'dit Condition, donques la Feme donour & ſes heyres auera le dit Brieve vers luy, ou vers quecunque eſt eins en le dit terre. Auxy il couient q̄ ceſt Condition ſoyt fayt per Endenture, ou autrement ceſt Brieve ne gift: & tous ceux & auters Brieves d'entre poi- ent eſte fait en le Per, Cui, & Poſt.

Alſo a writ of *Entre cauſa matrimonij præloquuti* lieth where landes or Tenements are giuen to a man vpon ſuch a condition, that he ſhall take her to his wiſſe within a certayne time, & he do not eſpouſe her within the ſaid terme, or eſpouſe another woman, or make himſelfe Priest, or enter in Religion, or him diſable, ſo that he cannot take her according to the ſayd condition, then the donour & her heyres ſhall haue the ſaid writ againſt him, or againſt ſuch ſoener is in the ſaid land. And alſo it behogeth, that this condition be made by indenture, or otherwiſe this writ doth not lie: & al theſe & other writs of *Entre cauſa matrimonij præloquuti* may be made in the Per, Cui, and Poſt.

Entu-

Entrusion.

ENTRUSION is a *voyle*, and it lyeth where a tenant for terms of life dyeth seised of certaine Landes or tenements, and a stranger entred, hee in the reuerſion ſhall haue the ſayd *voyle* againſt the abator as againſt whomſoever that is in aſter their intruſion.

Alſo a *voyle* of **Entruſion** ſhall bee maintainable by the ſucceſſour of an Abbot againſt the abator, which ſhall enter in the Landes or Tenements in the time of vacation that belongeth to the Church, by the Statute of Marlebridge, the laſt Chapter.

And it ſeemeth the difference betwene an intrudor & an abator is this, that an abator is he that entred into land hold by the death of a tenant in fee, & an intrudor is hee that entred into lands hold by the death of a Tenant for terms of life or years, ſee F.N.B. fol. 203.

Entruſion de gard.

ENTRUSION a gard is a *voyle* which lies where the heir within age entred in his lands & hold vsur his lord,

Entruſion.

ENTRUSION eſt vn Briefe, & giſt lou Tenaunt a terme de vie, deuic ſeiſie de certaine Terres ou Tenements, & vn eſtraunge entra, celuy en la reueſion auera le dit Briefe vers ſabator, ou vers quecunque que ſoit eins apres leur entrusion.

Auxy vn Briefe de Entruſion ſerra maintainable pur le ſucceſſour d'un Abbe vers ſabate que entre en ſcun terres ou tenements, *Tempore vacationis*, que appent a la Eſgliſe p ſtatute de Marlebridge cap. ultimo.

Et il ſemble que le difference parentier vn entrudor & vn abator eſt en ceo, q vn abator eſt celuy que entra e terres void per le mort d'un tenant en fee, & vn entrudor eſt celuy q entra en terres void per le mort d'un tenant p term de vie ou ans, veies F.N.B. fol. 203.

Entruſion de gard.

ENTRUSION de gard eſt vn Briefe que giſt ou le heir deins age entra en ſes terres & tient hors ſon Seigneur,

The Exposition of

car en tiel case le seignieur,
nauera le Brieſe de *Communi*
Custodia, mes cest Brieſe de
Entruſion de Gard, Veiel N.
B. fol. 90.

for in ſuch caſe the lord ſhal
not haue the *Writ* de *Com*
muni cuſtod, but this *Writ*
of *Entruſion* of the word
Old N. B. fol 90.

Equitie.

Equitie eſt en deux ma-
niers, diuers moult ſun
del auter, & ſont de con-
trarie effects, car ſun a-
bridge, diminith, & tolle
Letter del Ley, le auter en-
large, amplifie, & adde a
ceo.

Le primer eſt iſſint de-
fine, *Equitas eſt correſſio*
Legis, generatim lata qua
parte deſicit, le quel corre-
ction del general parols
eſt moult uſe en noſtre Ley.
Sicome pur example, Quant
Acte de Parliamente eſt fait,
quecunque que fait tiel
acte, ſerra ſelon, & ſerra miſe
al mort, vncore ſi home de
non ſane memorie, ou En-
fant de tender age, que nad
diſcretion le fait, ils ne ſer-
ront Felons, ne miſe al
morte.

Auxy ſi Eſtatute ſoit fait,
que tous perſons que re-
centeront, ou donneront maun-
ger ou boyer, ou auter ayd
a ceſſy que faira tiel acte, ſer-
ont acceſſarie a ſon offence,
& ſerront miſe al morte,

Equitie.

Equitie is in two ſorts,
differing much the one
from the other, and are of
contrarie effects, for the one
both abridge, diminith, and
take from the Letter of the
law, the other both enlarge,
amplifie & adde thereunto.

The firſt is thus deſi-
ned, Equitie is the Corre-
ction of a Law, generally
made in that part wherein
it faileth, which correction
of the generall wordes, is
much uſed in our Law. As
for example, when an Act
of parliament is made, that
whoſoever doth ſuch a
thing, ſhall be a felon, & ſhall
ſuffer death; yet if a madde
man, or an infant of young
yeares that hath no diſcre-
tion doe the ſame, they ſhall
bee no felons, nor ſuffer
death therefore.

Alſo if a Statute were
made, That al perſons that
ſhall receiue, or giue meate
or drinke, or other ſuccos to
any that ſhall do ſuch a thing
ſhall be acceſſarie to his of-
fence, and ſhall ſuffer death.

if they did knowe of the fact, yet notwithstanding the death such an act, and cometh to his wife, who knowing thereof doeth receive him, and gives him Meats and Drinks, that shall not be necessary nor felon, for in the generalitie of the sayd wordes of the Law, he that is mad, nor the infant, nor his wife were not included in meaning.

And thus equitie doeth correct the generalitie of the Law in those cases, and the generall wordes are by equitie abridged.

The other equitie is defined after this sort, Equitie is when the wordes of the law are effectually directed, and one thing onely provided by the wordes of the Law, to the end that all things of the like kind may be provided by the same, so when the wordes enact one thing, they enact all other things that are of like degree as the first, which ordaines That in an action of Debt against Executors, he that doeth appeare by distresse shall answer, doeth extend by equitie to Administrators, for such of the as doeth appeare first by distresse, shall answer by equitie of the said

si ils conuisteront del fait, vncore. l'un fait tiel act, & veigne a la proper femme, que sciaint ceo luy receiue, & done maunger & boyer a luy, il ne sera necessaie, ne felon, car en le generalite & les dits parols il ley cesty de non sane memorie, ne le Enfant, ne le Feme fueront enclude en content.

Et issint equity correcte le generalite del ley en ceux cases, & les parolx generals sont per equitie abridge.

L'autre equitie est definee en tiel maniere, Equitas est verborum Legis, directio efficiens, cum una res solummodo Legis canetur verbis, & omnia alia in equali genere, eisdem caveantur verbis: Et issint quant les parols enact un chose, ils enact tous choses que sont en semblables degres, sicome le Statute que ordeigne, que en Action de Dette vers Executors, cestuy que vient per distresse respondera, extendra per equitie, al Administrateurs, car cesty de eux que vient primes per distresse, respondera per equitie del die act

The Exposition of

act, quia sunt in equali genere.

Issint le Statute de Gloucester done le actiō de Wast, & le punishment de ceo vers cestuy que tient pur vie ou ans, & per le equitie de ceo home auera action de Wast vers cestuy que tient forsque pur vn an, ou demy an, & yncore ceo est hors del parols del estatute, car cestuy que tient forsque pur demy an, ou vn an, ne tient p̄ ans, mes ceo est le entent, & le parols quel enaict fun, per equitie enaict eront fauter.

act, because they are of the like kind.

So likewise the statute of Gloucester gives the action of wast, & the paines thereof against him that holdeth for life or yeeres, and by the equitie of the same, a man shall haue an action of wast against him that holdeth but for one yeare or halfe yeeres, and yet this is without the wordes of the Statute for hee that holdeth but for halfe a yeare, or one yeare, doth not hold for yeares, but that is the meaning, and the wordes that enact the one, by equitie enact the other.

Error.

Erreur.

ERror est vn fault en vn iudgement, ou en le procelle, ou proceeding al iudgement, ou execution sur ceo en Court & Record, quel fault en le ciuil ley est appel vn Nullitie. Et auxy **Er**reur est le nosme de vn briefe, & gist lou iudgement est done en le common Banke, ou deuaunt Iustice in Assise, ou deuaunt Iustice de Oyer & Terminer, ou deuant le Maior ou Viscount de Londres, ou en auter Court de Recorde, contra le Ley, ou sur vndue ou male proces, donques per

ERroure is a fault in a iudgement, or in the procelle, or proceeding to iudgement, or in the execution vpon the same in a Court of Record, which in the ciuill Law is called a Nullitie. and also **Er**roure is the name of a writ, and it lyeth where Iudgement is given in the Common place, or before the Justices in Assise, or Oyer & Terminer, or before the Justices of Chertie of London, or in other courts of record, against the Law, or vpon vndue and wrong proces, then by this

this is the party grieved against whom the Judgement is given shall have this writ, and thereupon cause the records and process to be removed before the Justices of the Kings Bench, and if the error be found it shall be reversed: But if an erroneous judgement be given in the Kings Bench, then it cannot be reversed but by parliament, until the Statute 27. of Elizabeth.

If so such a default in judgement be given in a court that is not of record, as in a county, hundred, or in court Baron, then the parties shall have a writ of false Judgement, for to make the record to come before a Justice of the common place. Also if error be found in the eschequer it shall be redressed by the Chancellor and Treasurer, as it appeared by the Stat. of E. 3. and 31. cap. 12.

Escape.

Escape is when one that is arrested cometh to his liberties before that he be delivered by arrest of assize, or by order of law.

Escape is in three sorts, that is to say, voluntary, negligent,

cel Brieve, le partie grieve vers que le judgement est done aucta cel Brieve, & per ceo causera le Recorde & processe destre remouue deuant les Justices de Bank le Roy, Et la si error soit troue il sera reverse: Mes si erroneous Judgement soit done en Banke le Roy, donques il ne poit estre reverse lorsque per Parliament, tanque le Statute 27. Elizab.

Auxy si tiel default soit en Judgement done en Court que nest de Record, come en countie, hundred, ou Court Baron, donque le partie avera Brieve de faux Judgement pur faire le Record vner deuant Justice de Common Banke. Auxy si Error soit troue en Eschequer, il sera redresse per le Chauheclor & Treasorer, vt patet per stat. uti Edw. 3. an. 31. cap. 12.

Escape.

Escape est lorsqu'un que est arrest designe a son libertie deuant que il soit deliuer per agard de assize, Justice, ou per order de ley.

Escape est en deux sorts, voluntarie & negligent.

The Exposition of

Voluntarie escape est qnt
vn arrest auter pur Felonie,
ou auter crime, & puis ce-
luy en que custodie il soit,
luy lesser aler ou il vault
cel lesser de luy aler est vn
voluntarie escape.

Et si l'arrest de cesty que
escape fuit pur Felonie, ceo
serra dit Felonie en cestuy
que luy lesser desceper, &
si pur treason, il serra treason
en luy, & si pur vn trespasse,
donque trespasse, & sic de
singulis.

Negligent escape est quat
vn est arrest, & puis escape
encontre le volent de cesty
que luy arrest, & ne soit
freshment pursue, & reprise
deuant que le pursueur per-
dra le view de luy, ceo serra
dit negligent escape, non
obstant que cesty hors de
que possession il escape luy,
repris apres le view perdu.
Auxi si vn soit arrest &
puis escape, & est a son liber-
tie, & cestuy en que garde
il fuist luy repris apres, &
luy a meisme a le prison, vn-
core il est escape en luy.

Auxi si vn felon soit ar-
rest par le Countable, &
ameine a le Gable ou le
Countie, & le Gaoler ne
voit luy receiuer, & le Com-

Voluntarie escape, is
when one dooth arrest ano-
ther for Felonie, or other
crime, and after he is in whose
custodie hee is, letteth him
goe where hee will, this let-
ting him goe is voluntarie
escape.

And if the arrest of him
that escaped were for Felo-
nie, then that shal be felony
in him that did suffer the
escape, and if for Treason,
then it shall bee Treason in
him, and if for Trespas then
Trespas, and so in al other.

Negligent Escape, is
when one is arrested, & af-
ter escapes against the will
of him that did so arrest him,
& is not freshly pursued, and
taken before the pursueur
loseth the sight of him,
this shall bee said a negle-
gent escape, notwithstanding
that hee out of whose
possession hee escaped, he
take him after hee hath lost
sight of him. Also if one be ar-
rested, and after escape, and
is at his libertie, and be in
whose ward hee was, take
him afterward, and bring
him to the gaole, yet it is
an escape in him.

Also if a felon bee ar-
rested by the Countable, and
brought to the gaile, and
the gaoler seeke not to receiue him, & the Com-
table

stable letteth him goe, and the Gaoler also, and so hee escapeth, this is an escape in the gaoler, for that in such case the Gaoler is bound to receive him by the hand of the Constable without any precept of the Justice of peace. But other wise it is, if a chimer person arrest another upon suspicion of Felonie, then the Gaoler is not bound to receive him without a precept of some Justice of peace. Ther is an escape also without arrest, as if murder bee made in the day, and the murderer bee not taken, then it is an escape, for the which the Coronor where the murder was done shall bee amerced.

And it is so bee observed that a man may bee said to escape notwithstanding that he alwaies continueth in prison. And for this if a man bee in prison upon two executions at the suit of two severall men, and then the old Viscounte deliver him under this indenture to the new Viscounte by indenture according to the old court, and in the said indenture maketh no mention of one of the said executions, this omission shall bee said an escape in Law instantly by which the old Viscounte

stable luy demit, & le Gaoler auxy, & ainsi il escape, cest est vn escape en le Gaoler, pur ceo que en tiel case le Gaoler est tenu de luy recevoir per le maine le Constable sans aucun precept de le Justice de Peace. Mes autrement est si vn chimer person arrest auter pur suspicion de Felonie, la le Gaoler n'est tenu de luy recevoir sans precept de aucun des Justices de Peace. Il y ad vn escape auxy sans arrest, come si murder soit fait en le iour, & le murderer ne soit prise, donque il en escape pur que le ville ou le murder fuit fait serra amercie.

Et est desre observe, que home poit estre dit descaper nient obstant que il tous foits remaine en prison. Et pur ceo, si home soit en prison sur deux executions al suit de deux seueral hoies, & donques le auncient Viscount deliuer ouster cest prisonier al nouel Viscounte per Indenture, accordant al usual manner, & en le dit Indenture ne fait aucun mention d'un des dits executions, cest omission serra dit vn escape en Ley immediatment, pur que le auncient Viscount

The Exposition of

respondra nient obstant
que le execuc' fuit matter de
second, de que le nouel visc'
puit auer prise notice. Mes
autrement est lou le antient vi-
count morust, car entiel
case conient al nouel viscount
a son peril, de prendre no-
tice de tous les executions
que sont vers aucun person
que il troua en le Gaole :
Mes en le dit case ou le Vi-
count morust, & deuant que
auec est fait, vn que est en
execution enfreint le Gaole
& depart alarge, ceo est nul
escape, car quant vn Viscount
morust, tous les prisoners
sont en le custodie del Ley,
tanque nouel Viscount soit
fait. Veies *Ca. lib. 3. fo. 72.*

Si le viscount sur vn *Capias*
ad satisfaciendum a luy di-
rect, fait retourne, *Quod ca-
pi Corpus*, & vncore nad le
corps en Court al iour de le
retourne, le Plaintife poit
auer son Action vers le Vi-
count pur le escape, nient
obstant que le partie issint
prise soit en le Gaole. Vies
7. H. 4. 11. Br. 107.

Eschete.

Eschete est lou vn re-
paunt en sec simple face

shall answer although the
execution was matter of
Record whereof the new
sheriff might have taken no-
tice. But otherwise it is
where the old sheriff dieth,
for in such case it behooveth
the new sheriff at his pe-
ril to take notice of all
the executions that are as-
gainst any person that be
indeth in the Gaole: But
in the said case where the
sheriff dieth, and before the
another is made, one that is
in execution breaketh the
Gaole, and goeth at large
this is no escape, for when
a sheriff dyeth, all the pri-
soners are in the custodie
of the Law, until a new
sheriff be made. *See Coke*
li. 3. fo. 72.

If the sheriff upon a
Capias ad satisfaciendum
to him directed, maketh re-
turne, That he hath taken
the bodie, and yet hath not
the body in court at the day
of the returne, the Plaintife
may have his action against
the sheriff for the escape,
although that the partie is
taken be in the Gaole. *See*
7. H. 4. 11. Br. 107.

Eschete.

Eschete is where a re-
paunt is for simple debt
felonis,

felonie, for the which he is
higed or abjured the realm,
or be outlawed of felonie,
murder, or petty treason, or if
the tenant die without heire
generall or special, then the
lord of whom the tenet held
the land, may enter by way
of Escheate, or if any other
owner the Lord shall haue a-
gainst him a writ, called a
writ of Escheate, which as I
thinke is deriued of the
French word Escheine.

Escheator.

Escheatour cometh from
the said word Escheate,
and is the name of an Offi-
cer that obserueth the Es-
cheats of the L. in the coun-
ty whereof he is Escheator,
and certifieth them into the
Eschequer. This officer is
appointed by the K. or Treas-
urer, & by Letters patents
from him, and continueth in
his office but one year, nei-
ther can any bee Escheatour
but once in three yeares, an-
no 1. Hen. 8. cap. 8. and an 3.
eiusdem, ca. 1. He mores of
this Officer and his autho-
ritie in Cromptons Iustice
of Peace. See An. 21. Ed. 1.
The forme of the Oath of
the Escheator, see in the Reg.

felonie, & queilest pendue,
ou abiure le Realme, ou vi-
lage de felonie, murder, ou
petit treason, ou si le tnt mo-
rust sans heire geñal ou spe-
cial, donques le Sár de que le
Terre est tenus per l' Tenant,
poit enter per voy de escheat,
ou si ascun autre home en-
ter, le Seignior aaura vers
luy vn brieve, appel brieve de
Escheat, quel come semble &
deriue del parol Francois Es-
chien.

Escheatour.

Escheator vient del dit parol
Eschete, & est le nosme
del Officer que regarda les
Eschetes del Roy en le coun-
tie de que il est Escheator, &
certifia eux en le Eschequer.
Cest Officer est designe per
le Seignior Treasurer, & per
Letters patens de luy, &
continua en son office forsq
vn an, neq, poyt ascun estre
Escheatour forsqe vn foys
en troys ans, Anno 1. Henr. 8.
cap. 8. & Anno 3. eiusdem, ca-
pitulo secundo. Vies pluis de
cest Officer & son authority,
en Cromptons Iustice de pease.
Veies anno 21. Edward. 1. Le
forme del Serement del Es-
cheatour, veies E le Register
Z 3 Orig.

The Exposition of

orig. fo. 301. b. Et le Escheator
est vn officer de Record, &
puit ordeine vn southeschaf,
come le Visé' puit vn south-
vise, & ne le Escheator ne pu-
it retourner ascun office *virtute*
officii, mes il serra punie, veies
F. N. B. fo. 109. Officium Esca-
trarii est le Escheatership. Reg.
art. fo. 259.

orig. fo. 301. b. & the escheator
is an officer of record, & may
ordain an vnder escheator, as
the Visé' may an vnder the
visé', yet the escheator canot re-
turn any office by virtue of
his office, but he shall be pu-
nished, see *F. N. B. 109. Of-*
fice Escaetrix is the eschea-
torsship, Reg. orig. fo. 259.

Esneey.

Esneey é vn immunity doe
al pluisseigne coparcen de
eslier primat puis Inheritace
é diuide, *Flet. li. 5. ed. 10.*

Esneey.

Esneey is a priuiledge giue
to the eldest coparcener to
chuse first after the Inheri-
tance is diuided, *Flet. l. 5. ed. 10.*

Escuage.

Escuage est appel en Latine
Scutagium, cest adire, *ser-*
uitium Scuti, & cesty que ti-
ent per Escuage, tient per ser-
uice de Chival, & a ceo ap-
pent Gard, Marriage, & Re-
liefe: mes ceo serra intend d'
Escuage non certaine, quant
le Escuage courage per tout
Engleterre, quant est ordeine
per tout l' Councel D'engle-
terre, que apres les guerres,
chascun seignior a sa certeyn
summe de son Tenaunt que
ne fuyten le dit guerre. Mes
si le Tenaunt que tient d'as-
cun seignior per Escuage, soit
que le Roy en ses Guerres

Escuage.

Escuage is called in Latin
Scutagium, that is, seruice
of the shield, & he that holdes
by escuage holdes by knight
seruice, & to that belongeth
ward, marriage, & reliefe: but
that shal be intended of escu-
age not certaine, when the
escuage runs thyngh Eng-
land, when it is ordained
by all the Councel of Eng-
land, that after the warre
every lord shal haue a certain
summe of his tenant which
was not in the said warre,
but if the tenant which hol-
deth of any lord by escuage,
be with the K. in his wars

in Scotland, & his lord will distrain him for Escuage, it shalbe a good vñe to say, hee was with the R. in Scotland in his wars, & that shal be tried by the R. Marshal.

And note wel, that a man may not hold by Escuage, vñles hee hold by homage, for that escuage of common right dooth to him homage, as it was aduidge in Term. H. 21. E. 3. ca. 42. f. 52. Auow. 115. And note wel, that Escuage is a certayne summe of money, & it ought to bee leuied by the Lord, of his tenant, after the quantitie of his tenure, when Escuage runneth through all England. And it is ordained by all the Councel of England, how much every tenant shal giue to his lord, & that is properly to maintaine the warres betwene England & them of Scotland, or of Wales, & not betwene other lands, for that that those aforesaid lands should be of right belonging to the realm of England, for Lic. li. 2. ca. 3.

en Escocce, & le Seignior voit distreine luy pur Escuage, il serf bon plee adire, q il fuya le Roy en Escocce en l guerre, & ceo sera trie p l Marshal le Roy.

Et nota bene, que home ne poyt tener per Escuage, sinon que il teign per homage, pur ceo que Escuage de common droyt treyte a luy homage, come il fuyt aduidge e Term. H. 21. Edm. 3. cap. 42. fol. 52. Auowrie 115. Et nota bene, Que Escuage est vn certeyne summe de Argent, & doyt estre leuie per le Seignior de ses tenants, solonque l quantitie de son Tenure, quant le Escuage courage per tout Engleterre. Et ordeigne est per tout le Councel D'engleterre, quant chescun tenant doña a son Sñr, & ceo est properme pur susteyner le guerre peretter Engleterre, & ceux d Escocce, ou de Gales, & non pas perent auñs ires, pur ceo que les auantdit Terres serront d droyt appendant a l Realme D'engleterre. Vide Lit. lib. 2, cap. 3.

Esplees.

Esplees.

Esplees is as it were, the seign or possession of a

Esplees est sicome le seign, ou possession d'un chose,

The Exposition of

chose, profit, ou commodite
que est a prendre, come d'un
Common, les esplees est le
prendre del grasse ou Com-
mon per les bouches de les
beasts que common la : Dun
Aduowson, le prend' de gros
diffines per le Parson present
al ceo : de boys, le vender de
boys : d'un orchard, le ven-
der de pomes & auters fruits
cressant la : Dun Molin, le
prisel de tolle est les Esplees,
& de tiels semblables. Et
nota, que en brieve de Droyt
de terre ou aduowson, ou ti-
els semblables, le Deman-
dant doit alleadge in son
Count, que il ou ses Aunce-
stors prise les Esplees d' chose
& demand, ou auant l' Count
nest bon.

thing, profit, or commoditie
that is to be taken, as of a
Common, the Esplees is the
taking of the grasse or com-
mon by the mouthes of the
beasts that common there :
Of an Aduowson, the ta-
king of grosse tythes by the
Parson presented thereto :
of wood, the selling of wood :
of an orchard, the selling of
Apples & other fruit grow-
ing there : of a Mill, the ta-
king of tolls is the esplees, &
of such like. And note, that
in a writ of right of land or
aduowson, or such like, the
demandant ought to alleadge
in his Count, That hee or
his ancestors take the Es-
plees of the thing in de-
mand, or otherwise the plea-
ding is not good.

Essendi quietum de Tolonio.

Essendi quietum de Tolonio
est vn Brieve destre quit
de Tolle, & gisten Case ou
les Citysens ou Bourgesies
de aucun Citie ou Burrough
ouant estre quit de Tolle per
Graunt des Progenitours le
Roy per tout le Royalme, ou
per Prescription, doncque
si ils des dits Cities, ou
aucun home des dits Ci-
ties ou Burroughs, veignoat

Essendi quietum de Tolonio.

Essendi quietum de tolonio
is a writ to be quit of tol,
and lieth in case where the
Citizens or Bourgesies of
any City or Burrough haue
been acquitted of toll by the
Grant of the Kings Pro-
genitours, throughout the
whole Realme, or by Pre-
scription, then if they of the
said cities, or any man of the
said cities or burroughs come
with

With his Merchandises to any towne, faire, or market, & there put them to sale, or buy any Merchandises, if the officers of the said towne will demand any toll of him, against the Kings charter, or against the blage and custome, then he may sue and have such a writ, Fitz.N.B. fol. 226. Regist. Originalis, fol. 238.

ou ses Merchandises, a ascun Ville, Fayre, ou Market, & la eux mett' a vender, ou achatont ascuns Merchandises, si les officers del dit vill voile demaunder ascun tolle de luy encounter le Charter le Roy, ou encounter le v'sage & Custome, donque il puit suer & auer tiel Brieve, F.N.B. fol. 226. Regist. Orig. fol. 238.

Essoine.

Essoine.

Essoine is where an Action is brought, and the Plaintiff or defendant may not well appears at the day in Court, for one of the five causes under specified, then he shall bee essoined to saue his default.

Note, that there bee five manner of Essoins, viz. Essoins De ouster le mere, & by that the defendant shall haue a day by xl. days. The second Essoine is, De terra sancta, & upon this the Defendant shall haue a day by a yeare & a day, & these twaine shall be layd in the beginning of the Plea. The third Essoine is De male venter, and that shall bee adiourned to a common day, as the action requirith, & this is called the common

Essoyne est lou vn Action est port, & le Playntife ou Defendaunt ne peyt byen appeal al iour e Court pur vnde cinque causes desfourth expresse, donques il sera Essoyne de sauer son default.

Nota, Que sont cinque maners de Essoiner, c'est adire, Essoine de Ouster le mere, & per ceo le Defendant auera iour per xl. iours. Le second Essoine est de Terra Sancta, & sur ceo le defendant auera iour per vn an & vn iour, & les deux seront gift al commencement del Plec. Le tierce Essoine est de male venter, & ceo sera adiourne al common iour cōe Action require, & appel le Common Essoine

The Exposition of

Essoine, & quant & coment cest Essoine sera, veyes les statutes, & lieure de *Abridgement de Statutes*, lou il est bñ declare. Auxy le 4. Essoyne est, *De malo lecti*, & ceo ē solement en brieft de Droit, & sur ceo issira brieft hors del Chauncerie, direct al Viscount, que il maundera quat Chivalers al tenant de veier le tenant, & si il soit malady, de doñ a luy iour aps vn an & vn iour. Auxy le 5 Essoin est de seruice le Roy, & gift en tous Actions forsque en Assise De Nouel Disseisin, Brieft de Dower, Darrein presentment, & en appeale de Murder, mes en cest Essoine il couient al iour de monstre son Garrant, ou auterment il turnera a vn default, sil soyt en plee real, ou auterment il perdera xx. s. pur le iourney, ou pluis, per le discretion del Iustice, sil soit ē plee psonel, vt patet per l Statute d Gloc.

cap. 8.

Essoine, & when & how this Essoine shall be, looke the Statutes, & the Abridgement of Statutes, where it is well declared. And the 4. Essoine is, *De malo lecti*, and that is only in a writ of right, and thereupon there shal a writ go out of the Chaucerie, directed to the Sheriffe, that hee shall send foure Knights to the tenant to see the tenant, and if he be sick, to give a day after a yeare and a day. Also the 5th Essoine is, *De seruice del Roy*, and it lyeth in all actions, except in assise De Nouel Disseisin, a writ of Dower, Darreine presentment, & in appeale of Murder, but in this Essoine it behooveth at the day to shew his warrant, or else it shall turne vnto a default, if it be in a plee real, or else he shall lose xx. s. for the journey, or more by the discretion of the Justice, if it be in a plee psonall, as it appeareth by the Statute of Gloucester.

cap. 8.

Essoine de malo lecti.

Essoine de malo lecti.

Essoine de malo lecti est vn Brieft direct al Viscount, pur le mitter de quat loyal Chivalers a veyer

Essoine de malo lecti is a writ directed to the Sheriffe for the sending of foure lawfull Knights to vider
one

one that hath effoined him-
selfe De malo lecti, Regist.
Orig. fo. s. b.

vn que ad effoin luy mesme
De malo lecti. Regist. Origin.
fol. 8. b.

Etablissement de
Dower.

Etablissement de Dower
signifieth to be the assurance
of dower made by the hus-
band or his friends, before,
or at the time of the marri-
age, and assignement of do-
wer is the setting it out by
the heire afterwarde, accord-
ing to the establishment,
Brit. ca. 102. 103.

Etablissement de
Dower.

Etablissement de dower seu-
ble desire le assurance de
dower fait per le Baron ou
ses amies, d'uant ou al temps
del espousels, & assignement
de Dower est le mittant ceo
hors per le heire aps, accord t
al establishment, Brit. Cap.
102. 103.

Estandard.

Estandard or Standard
signifieth an Ensigne in
warre, but it is also used for
the principall or standing
measure of the King, to the
proportion whereof all the
measures through the land
are and ought to be framed
by the Clerk of the market,
Wager, or other Officer,
according to their function.

For it was established by
the Statute of Magna char-
ta, ann 6 H. 3. ca. 9. that there
should be but one franchising
of Weights and Measures,
through all the Realme,
the which is thence confir-
med by An 14. Ed. 3. cap. 12.

Estandard.

Estandard ou Standard im-
plia vn enseigne e l' guerre,
mes il est auxy vse p le prin
ou certaine mesure del roy,
proportion de que tous les
measures per le Terre deuoi-
ent estre fait per le Clerke
del Market, Aulneageor, ou
auē Officer, accordant a lour
function.

Car il fuyt establie per le
Statute de Magna Charta, an-
no 6. Hen. 3. cap. 9. que
la serroit forsque vn Ailise
de Poys & Measures per
tout le Royallme, le quel
est iammes confirme per
Anno 14. Edm. 3. Cap. 12.
&

The Exposition of

& plusieurs autres Statuts, cōe
auxy que tous serroyēt fayt
al Estandard, seale oue l seale
le Roy.

Et bone cause la est, que il
serroit appel Estandard, pur
ceo que il estoia constant &
immoue, & ad tous autres
measures vient a icel p lours
conformite, en mesme l man-
ner come Soldiors & l champ
ont leur Estandard on colors
pur leur direction en leur
March ou battel. De ceux E-
standards & measures, lies
Brit. ca. 30.

and many other Statutes,
as also that al should be fit-
ted to the Standard, seale d
with the Kings seale.

And there is good reason
that it should be called a Sta-
dard, because it stands con-
stant & immovable, & hath
all other measures coming
towards it for their confir-
mity, even as souldiers in
the field have their stand-
ard or colours for their direction
in their march or skirmish.
Of these Standards and
measures, read Britton,
cap. 30.

Estate.

Estate.

Estate est cel title ou inter-
est que home ad en tres
ou' tenements, come estate
simple, auterment appel Fee
simple, & estate conditional,
ou sur condition, q est ou sur
condition en fait, ou sur con-
dition en Ley. *Vies Lit. li. 3.*
cap. 5.

Estate is that title or inter-
est that a man hath in
lands or tenements, as estate
simple, otherwile called fee
simple, & estate conditional,
or upon condition, which is
either upon condition in deed
or upon condition in Law.
How Littleton, Liber 3.
Cap. 5.

Estoppel.

Estoppel.

Estoppel, est quant vn
est conclude, & denie
en Ley de parler encounter

Estoppel is when one is
concluded, and forsooden
in Law to speake against
his

his owne Deed, yet though it be to say the truth

And of Estoppells there are a great many: One for example, when T. S. is bound in an Obligation by the name of T. S. or any other name, and is sued afterward according to the name in the Obligation, that is to say T. S. now hee shall not bee received to say, that hee is withnamed, but shall bee dynon to answer according to the name put in the Obligation, that is to say, T. S. for peradventure the Obligee did not know his name, but by the report of the Obligor himselfe, and in as much as hee is the same man that was bound, hee shall bee estopped, and forbidden in Lawe, to say contrarie to his owne Deed, say otherwise hee might take advantage of his owne sworne, which the Lawe will not suffer a man to doe.

Also if the daughter that is an heire to her father, will sue livery with her father that is a bastard, shee shall not afterward bee received to say, that her father is a Bastard, inasmuch that if her bastard father take half the Land with her, there is no remedy by the Lawe,

on a chose fait dem, aient ob-
stât il soit p dire le veritie.

Et de Estoppells il y ad vn grand number: Vn pur example est, quant T. S. est obligé en vn Obligation per le nosme de T. Sou aucun autre nosme, & est sue apres accordant al mesme le nosme mis en le Obligation, cest adire, T. S. ore il ue serra receiue adire, que il est misnomme, mes serra chasc a responder accorde al nosme mis en le Obligation, cest adire, T. S. car peradventure Lobligeé ne scauoit pas son nosme, mes perle report tantselement del Obligour mesme, & entant que il est mesme le home que sult obligé, il serra estoppe, & denie en Ley, pur adire le contrarie encounter son fait demesne, car autrement il poit prendre aduantage de son tort demesne, le quel le Ley ne voit suffer vn home de faire.

Auxy si le fille que est heire a son pere, voit suer livery oue sa soer que est vn bastard, el ne serra apres receiue pur dire que sa soer est vn bastard, entant que si la bastard soer prist le moitie del terre oue luy il nad remedie per le ley.

Auxy

The Exposition of

Auxy si vn home seilie
de Terre en fee simple, voit
prendre vn lease pur ans de
m le terre de vn estraunger
per fait indent, cest vn e-
stoppel durant le terme de
ans, & le lessée est per ceo
barre adire le veritie, car
le veritie est, que il que
lessa le Terre nad riens en
ceo al temps le lease fait,
& que le Fee Simple fuit en
luy que prist le lease: Mes
ceo il ne sera receiue adire
tanque apres les ans sera
determine, pur ceo que
il appert que il ad estate
pur ans, & il fuit son folly
de prendre vn lease de ses
terres demesne, & pur ceo
sera issint punie pur son
folly.

Also if a man seiled of
lands in fee simple will take
a lease for yeeres of the same
land of a stranger by deed
indented, this is an estop-
pell during the terme of
yeeres, and the lessee is there-
by barred to say the truth,
for the truth is, That hee
that leased the land had noth-
ing in it at the time of the
lease made, and that the fee
simple was in him that did
take the lease: but this hee
shall not be receiued to say
till after the yeeres are de-
termined, because it appea-
reth that hee hath an estate
of yeeres, & it was his folly
to take a lease of his owne
lands, & therefore that thing
be punished for his folly.

Estouers.

ESTouers sont nutriment
ou maintenance: Et il
sint *Bracton lib. 3. tract. 2. ca.*
18. numb. 2. ceo vsa pur tiel
nutriment que home attrach
pur felonie est d'auer hors
de ses Terres ou Biens por
luy mesme & son family
durant son dures: Et le Sta-
tute de *Edm. 1. cap. 3.*
ceo vsa pur vn al'owance
en viand ou paine. Il est
auxy vsé pur certaine al-
lowances de boys destre

Estouers.

ESTouers are nutriment
or maintenance: And
so *Bracton lib. 3. tract. 2. cap.*
18. numb. 2. useth it for
such sustenance as a man
taketh for felonie: As to
haue touch of his lands or
goods for himselfe and his
family during his impri-
sonment. And the statute
of *Edm. 1. cap. 3.* useth
this for allowance in
meate or drinke. It is
also used for allowance al-
lowances of wood to be
taken

take forth of another manns
boon, so it is hold West. a.
cap 15. Anno 13. Ed. 1. 29.
Westm. part 2. tit. fines, Sect.
16. sayth, That the name of
Distouers containeth house-
boers, hedge-boers, & plover-
boers, as if hee hath in his
graunt these generall
wordes, Of reasonable e-
stouers in the woods, &c.
hee may thereby claime thost
thre.

destra prise hors del boys
Jun auter home, issint il
est vse west. 2. cap. 15. Anno
13. Edw. 1. M. west. part. 2. tit.
Fines, Sect. 16. dit. quel noli
deestouers conteigna house-
bote; Hey-bote, & Carue-
bote, come sil ad. en son
graunt ceux general pa-
rolx, De Rationabili E-
stauerio in boscu, &c. il
poit per ceo claime ceux
trois.

Estrangers.

Estrangers are sometimes
taken, they that are not
parties or priuies to the le-
uying of a fine or making
of a Deed: sometimes they
that be boyn beyond the sea.

Estrangers sont ascun foirs
prise, ils que ne sont par-
ties ne priuies al fine leuie,
ou felans de vn fait: ascuns
foits ils que sont nec ouster
le mere.

Estray.

Estray is where any beast
or cattell is in any Lords-
ship, and none knoweth the
owner thereof, then it shall
bee seiled to the vse of the
king, or of the Lord that
hath such estray by the k.
graunt, or by prescription:
And if the owner come and
make claime thereof, within
a yeare and a day, then
hee shall haue it againe, as
else after the yeare the pro-
prie thereof shall be to the
Lord, so that in the

Estray.
Estray est lou ascun beast
ou cattell est en ascun
Seignorie, & nul coust l'
owner de ceo, donques ceo
sera seisie al oepsle Roy, ou
de le Seignieur que adiel
Estray per graunt le Roy,
ou per prescription. Si si
le owner vient & fait
claime a ceo deins an & de
iour, donques il ceo reau-
ra, ou autrement apres le
an le ptopertie de ceo ser-
ra al Seignieur, issint que le
Seignieur

The Exposition of

Sir face proclamation de c'
accordant a le ley.

leynallic proclamation theri
of accordyng to the law.

Estrait.

Estrait.

EStrait est vn embleme
ou ressemblance, & est
communement vse pur le
Coppie ou voier note d'un
Original Escripüre, come
Estraites de amerciements
impose en les rolles
d'un Court destre leuie
per le recue ou anter of-
ficer, de chescun home pour
son peche, veies F. N.
B. 75. & 76. Et issint
il est vse en Westminst.
2.ca.8. An. 13. Edwards 1.

EStrait is a figure of re-
semblance, and is com-
monly used for the Copie
or true note of an Orig-
inal Writing, as Estraites
of Amerciements imposed
in the Rolls of a Court
to be leuied by the Bat-
tyle of some other Offi-
cer of every man for his
Offence. See F. N. B.
75. & 76. And so it is
used in Westminster 2.
cap. 8. Anno 13. Edwardi 1.

Estrepmēt.

Estrepmēt.

EStrepmēt, est vn Briefe,
& gift lou vn est empled
per vn *Præcipe quod Reddat*
pur certaine Terre, si le De-
mandant suppose quele
Tenaunt voile sayre wast
pendaunt le plee, il auera
vers luy cest Briefe que est
vn prohibition, luy com-
mandant que il ne face
wast pendant le plee.

EStrepmēt it is a writ, &
it lyeth where one is im-
pleaded by a *Præcipe quod*
Reddat for certaine Land,
if the Demandant sup-
pose that the Tenaunt wil
doe wast hanging the plee,
hee shall haue againt him
this writ which is a prohi-
bition, commanding him
that hee doe no wast hang-
ing the plee.

Et cest briefe giff a pnt
lou vn hōe demande terre per
Formedon, ou briefe de droit,
ou tiels briefes lou il ne

And this writ lyeth pro-
prie where a man demand-
eth land by *Formedon*,
or writ of Right, or such
writs where hee shall not
recover

recouer Damages; for in
such cases, where hee shall
recouer Damages, hee shall
haue his Damages, hauing
regard to the wast done.

Estate probanda.

ETate probanda is a writ
of Office, and it lyeth for
the heir of the tenet that held
of the King in chiefe, for to
proue that he is of full age;
directed to the Shriue to
enquire of his age, and then
hee shall become tenant to
the King by the same tenet
as that his ancestors made
to the King: But it is said
that euery one that shall
passe in this Enquest, shall
be of the age of xliij. yeares
at least, so that her was of
full age when hee that sueth
the writ was bozne.

recouer damage, car in
tiels Brieves lou il recoue-
ra Damages; il auets ses
Damages; ayant regard al
wast fait.

Estate probanda.

ETate probanda est writ
Brieve d'office, & gist pur
le heire le tenant que tient
del Roy en Capite, pur pro-
uer que il est de plein age,
direct al Viscount pur inquir-
ter de son age, & donques
il deuiendra tenant al Roy.
p. mesme les seruites que son
auncellors fist al Roy: Mesil
est dit, que chescun q. passer
en cest enquest sera del age
de xliij. ans al meins, issint
que il fuit de pleine age al
temps qu'aunt cestuy q. fuist
le Brieve fuit nee.

Exaction.

Exaction is a wrong done
by an Officer, as by one
pretending to haue authori-
ty, in demanding of taking
any reward or fee for that
matter, cause, or thing, for
which the Law alloweth
not any fee at all.

And it seemeth that the
difference betweene exaction
and Extortion is in this
that exaction is where an

Exaction.

Exaction est vn tort fait par
vn officer ou par vn pre-
tendant de auer authorite;
in demandant ou prentant
ascun reward ou fee pur cel
matter, cause, ou chose par q.
le Ley ne pas allowa ascun
manner fee,

Et semble que le diffe-
rence parenter Exaction
& Extortion est en ceo
Que Extortion est sou vn

Aa Officer

Officer demanda & extorta vn greinder somme ou reward que son voier fee: Et **Extortion** est ou vn Officer ou auter home demanda & vrger vn fee ou reward, ou nul maner de fee ou reward est due. Veies puis, **Extortion**.

Exception.

Exception est vn barre ou stoppe à vn action, & est diuise en exception dilatorie & peremptorie: de ceux ambeux veies Bracton, lib. 5. Traict. 5. & Britton, cap. 91. 92.

Excommungement.

Excommungement est a- adire en Latin **Excommunicatio**, & est lou vn home per la iudgement en Court Christian est **Excommunge**, donques il est disabie de suer aucun Action en Court le Roy, & si remaine **excommunge** al iours, & ne voileeste iustice per son Ordinarie, donques le Euesque mandera son Letter al Chauncelour, de certifier la **Excommunication** ou contempt, & sur ceo sera commaund al Viscount &

Officer demandeth & extorts a greater somme of reward than his iustice: And **Extortion** is where an Officer or other man demandeth and vrgeth a fee or reward, where no fee or reward is due at all. See after, **Extortion**.

Exception.

Exception is a barre or stay to an Action, and is diuised into exception dilatorie and peremptorie: Of these two see Bracton, lib. 5. Traict. 5. And Britton, cap. 91. 92.

Excommungement.

Excommungement is to say in Latin **Excommunicatio**, and it is where a man in Court Christian is **Excommunged**, then he is disabie to sue any Action in the Kings Court, and if he remaine **Excommunicat** al. iours, and will not be iustified by his Ordinarie, then the Bishop shall send his Letter Patent to the Chauncelour to certifye this **Excommunication**, or contempt, and thereupon it shall be commaunded to the Sheriffe to take

take the hodie of him that
is accursed, by a writ cal-
led de Excommunicato capi-
endo, till he hath made
agreement to holy Church
for the contemp & wrong,
and when he is fastened and
hath made agreement, then
the Bishop shall send his
letters to the King, certifi-
fying the same, and then it
shall bee committed to the
Sheriffe to deliver him by a
writ called Excommunicato
to deliberando. See the
Statute 5.E.6.

prendre le corps l'excom-
munge per vn Brieve ap-
pel *Excommunicato capi-
endo*, leſque l'ad fait gree
al ſaint Eſgliſe pur le con-
tempt & tort, & quant
il eſt iuſtifie, & ad fait gree,
donque l'enſque maunde-
ra al Letteral Roy, certifi-
aiceo, & donques ſerra
maunde al Viſcount de luy
deliuer per vn Brieſe ap-
pel *Excommunicato delibe-
rando*. Veies le Statute 6.
Ed.6.

Exchange.

Exchange.

EXchange is where a
man is ſeſſed of certaine
land, and another man is
ſeſſed of other land, if they
by a deed indente, or with-
out Deed, if the lands be in
one County, exchange their
lands, ſo that every of them
ſhall have other lands to
him ſo exchanged, in fee,
fee taile, or for terme of liſe,
that is called an exchange,
and is good without liuery
and ſeiſin.

Also in exchange is beho-
ueth that the eſtates to them
limited by the exchange bee
egall, for if one ſhould haue
an eſtate in fee in the land &
the other ſhould haue eſtate in
the other land but for terme

Exchange eſt lou vn
homme eſt ſeſſie de certain
Terre, & vn autre homme eſt
ſeſſie de autre terre, ſi ils per
vn fait indente, ou ſans fait,
ſi le terres ſont en vn Coun-
tie, exchange leur Terres,
aſſint que cheſcun de eux
auera autres Terres a luy
aſſint exchange en fee, en
fee taile, ou a terme de vie,
ceſt appeler vn Exchange,
& eſt bone ſauns liuery &
ſeiſin.

Auxy en exchange il co-
uient que les eſtates a eux
limite per l'exchange ſont
egalles, car ſi vn aueroit
eſtate en fee en ſa terre, &
l'autre aueroit eſtate en au-
tre Terre forſque pur terme

The Exposition of

de vic, ou en taile, donques
tel exchange est void, mes si
les estates sont egal, & les
Terres ne sont de egal value,
vncors exchange est bone.
Auxy un exchange de rent
pur terre est bone. Auxy
exchange inter rent & com-
mon est bone, & ceo cou-
vient estre per fait. Auxy il
couient routs foits, que cest
parol exchange soit en le
fait, ou autrement rien passa
per le fait, sinon que il aiet
liuery & seisin.

of life, or in taile, then
such exchange is void, but
if the estates bee egal, and
the lands bee not of egal
value, yet the exchange is
good. Also an exchange of
rent for land is good. Al-
so an exchange betwene
Rent and Common is good
and that ought to bee by
Deeds. Also it behooueth
alway, that this word Ex-
change bee in the deed, or else
nothing passeth by the deed,
except that hee haue liuerie
and seisin.

Execution.

Execution est lou iudge-
ment est done en aucun
action que le plaintiffe re-
couera la Terre, le Deu
Damages, come le case est,
& quaut aucun Brieft est
agard de luy mitter en pos-
session, ou de faire aucun
chose, per que le plaintiffe
ferra le mieux satisfie son det
ou damages, ceo est appel
Brieft de Execution, &
quaut il ad le possession de
le terre, ou est pay de det ou
damages, ou ad le corps
le Defendant agard al pri-
son, donques il ad execu-
tion, & si le Plec soit en
Country, ou Court Baron, ou
Hundred, & ils delaient le
Execution del iudgement in

Execution.

Execution is where iudg-
ment is given in any
action, that the plaintiffe shal
recover the Land, Debt or
damages, as the case is, and
when any writ is awarded
to put him in possession, or
to do any other thing, where
by the pl should the better be
satisfied his debt or dama-
ges, that is called a writ of
execution, and when he hath
the possession of the Land, or
is paid of the debt, or dam-
ages, or hath the body of
the def. arrested to prison,
then hee hath execution, and
if the place be in the Coun-
tie, or Court baron, or hun-
dred, and they defer the exe-
cution of the iudgement in
fauour

fauour of the partie, or other cause, the demandat shall haue a writ of Executione Iudicij. Note, that in a writ of debt a man shall not haue recovery of any lands untill the day of the returne past. And of chatels a man shall haue execution onely of the chatels which he hath the day of the execution sued.

Executor.

Executor is whome a man appointeth by his last will and last testamēt, to haue the possession of his goods and chattels after his death. And he is called executor, because he executeth the will of his testator. And he is bound to see that the will of his testator be executed. And he is bound to see that the debts of his testator be paid. And he is bound to see that the goods and chattels of his testator be sold, and the money soe received be distributed among the heirs and assigns of his testator. And he is bound to see that the goods and chattels of his testator be sold, and the money soe received be distributed among the heirs and assigns of his testator. And he is bound to see that the goods and chattels of his testator be sold, and the money soe received be distributed among the heirs and assigns of his testator.

fauour de partie, ou purauer encheafon, donques le demandat aura briefe d'Executione Iudicij. Nota, que en briefe de Debt, home n'aura recovery d' nul terre, mes de ceulx que le defendant auoyt iour d' iudgement rendu. Et d' chateulx home aura execution seulement des chateulx queulx il auoit iour de Execution sue.

Executor.

Executor est quant vult de la person Testamēt se darreiner vult, & en ces n'oumaill' poson que executem son Testamēt, donques celui que est l'herit' n'oume est son Executor, & est a tant en le Civile ley come heres designat' ou vel testamentariu, come a det, biens, & chateulx son testator, & tel executor auera Action vers chescun debtor de son Testator, & si le Executors ont assers, chescun a quele Testatour fuyt indebt, a l'ia action vers l'executor, si l'ad obligation ou specialite, mes en chescun case lon le testator pouloit gager son Ley, nul Action gill vers l'Executor. Veies plus de ceo deuant Titulo Administratores.

Exemplification. *Exemplification est ou hoc*
voile auctorial original
Record, transcript & exem-
plific hors del Court ou il re-
maine, a quel purpose il
pourrauer va & icelle, come ap-
piert per le Register Original,
fo. 290.

Et si home voile pleader
 yn Record en aul Court que
 ceo ou il remaine, il couient
 a luy de auer celi Record ex-
 emplifie souz le grand seale
 D'engleterre, si soyz denie,
 eardoyt vner en le Chan-
 celier, per Certiorare, & l'arde-
 Re exemplifie souz le grand
 Seale, car si soit exemplifie
 souz le Seale de Common
 banke, ou del Escheqr, ou ti-
 els semblables, c'ho seruera
 forsque en euidence al Iurie.
Vide Co. li. 2. fo. 53.

Exemption. *Exemption est vn priuiledge*
destre franke de seruice
ou apparence: Et p'c' yn Ba-
ron & Baronesse, per reason
de lour dignitie sont exempts
destre iure sur ale' enq'st, Co.
lib. 6. fo. 53.

Exemplification. *Exemplification is where*
man will haue any origi-
nal record writtten out & ex-
emplified souz of the Court
where it remaines, to which
purpose he may haue a writ
as appeareth by the Regist.
Orig. fo. 290.

And if a man will plead a
 record in another court tha
 where it remaineth, it becom-
 eth him to haue this record
 exemplified, under the great
 Seale of England & hee be-
 denied, if he st' ought to come
 into the Chancery by Cer-
 tiarare, & there to be exam-
 plified under the great Seale;
 for if he be exemplified under
 the Seale of the Common
 banke, or the Eschequer, or
 any like, this will not serue
 vnicely in euidence to a Iurie.
See Co. li. 2. fo. 53.

Exemption. *Exemption is a priuiledge*
to bee free from seruice or
appearance: & therefore bar-
ons & baronesse by reason of
their dignitie, are exempted
to be sworn upon any dis-
quest, Co. li. 6. fo. 53.

Also Knights, Clerkes, & Auxy Chivaliers, Clerkes, and Women, are exempted to appear at Leets or the Sessions. Et home poit estre exempted from being put upon such Leets, and Juries, by the Kings letters patents, as the Kinge & Colledge of Communaltie of Whitchurch in London were by the letters patents of King H. 8. Co. li. 3. fo. 103.

Ex mero motu.

Ex mero motu are words commonly used in Kings charters, whereby the signification is both that which is contained in the charter, & his owne will & motion, without petition or suggestion made by any other: & the effect of these words are to barre all exceptions that might be taken to the instrument wherein they be contained, by alledging that the King, in passing that Charter, was abused by any false suggestion, Kyt fo. 151.

And when the Kings Charter hath therein these words, it shall be taken most strongly against the King, therefore if the King ex mero

Ex mero motu.

Ex mero motu sont parols vsualmente mis en les charters le Roy, per queux il implie, que il fait ceo que est conteine en le Charte, de son volunt & motion demesme, sans prier ou suggestion fait per aucun autre. Et le effect de ceux parols sont de ouster tous exceptions que poyeront estre prise al Instrument en que ils sont conteynus, per alledger qd le Roy en donot de ce Charte fuit abuse par aucun faux alegation, Kyt fo. 151.

Et qm vn charē le Roy ad en ceo ceux parols, il sera prise puis fortement vers le Roy, p que si le Roy pardon a B. toutes les dettes ex mero

poins, toutes Debtes que B. doit come Viscount sont per
 ceo pardons, & en mesme le
 maniere est en plusieurs autres
 cases: or ceste parole sera
 mie by fort vers le Roy, come
 si vn Common person ad
 fait le Grant. Vies Colib. 1.
 Al. 45.

Exigent.

Exigent est vn Brieve, &
 gist lou home sue Acti-
 on personall, & le Defen-
 dant ne poyt estre trouue, ne
 ad nens deins le Countie,
 per que il poyt estre attach, ne
 distreigne; donques cest
 Brieve issira al Viscount, de
 faire Proclamation al cin-
 que Counties, chescun a-
 pres auter, Que il appare,
 ou autrement il sera vilage:
 & si soyt vilage, donques
 toutes ses biens & chateux
 sont forseites al Roy. Au-
 sy en vn Endichement de se-
 lonie, le **Exigent** issira a-
 pres le primer *Capias*. Et
 auxy en *Capias ad computan-
 dum*, ou *Ad satisfaciendum*,
 & en chescun *capias* que
 issist apres iudgement, le
Exigent issira apres le pri-
 mer *Capias*. Et auxy en

main, pardon to B. all his
 debts, all the debts that B.
 oweth as here, are by this
 pardoned, & in the like man-
 ner it is in many other Ca-
 ses, as before this is sayd shall
 be taken more fully against
 the King, as the Common
 person has made the grant.
 See Col. li. 16 fol. 45.

Exigent.

Exigent is a writ, and it
 lieth where a man sueth
 an Action personall, and the
 defendant cannot be found,
 nor hath nothing within
 the countie wherof he may
 be attached nor distrained,
 then this writ shall go forth
 to the shirif, to make Pro-
 clamacion at his Counties
 every one after another,
 that he appeare, or else that
 he shall be outlawed: or if he
 be outlawed, then all his
 goods & chattels be forfett
 to the King. Also in an In-
 dictment of felony, the **Exi-
 gent** shall goe forth after the
 first *Capias*. And also in a
Capias ad computandum,
 or *Ad satisfaciendum*, and
 in onerit *Capias* that goeth
 forth after Iudgement, the
Exigent shall goe forth after
 the first *Capias*. And also in
 ap

appeale of death, but not in
an appeale of robbery, or ap-
peale of Murther.

Ex grani querela.

Ex grani querela, by shere of
defence in the time Deuise.

Ex parte talis.

Ex parte talis, none before
before, Tit. Account.

Expeditate.

Expeditate is a word used
continually concerning
the forest, signifying to cut
out the hals of great dogs
for the preservation of
the king's game. But one of
the articles to be inquired
touching the forest is, if all
great dogs or mastifs in the
forest are expeditate; & if
there be any not expeditate
according to the law of the
forest; then the owner of e-
very such dog shall forfeit to
the king three shillings and
four pence, Crompt. Juris.
fol. 152. Walter Manwood
bindeth the same word, and
part. 1. of his Forest Law,
fo. 212. sets down the man-
ner of expeditating of dogs
heretofore, to wit, that
the three claws of the fore-
foot on the right side shall be

appeale de mort, mes ney en
appeale de robbetrie, ou ap-
peale de Murther.

Ex grani querela.

Ex grani querela, vies d'eco
deuant, tit. Deuise.

Ex parte talis.

Ex parte talis, vies de c' de-
uant tit. Account.

Expeditate.

Expeditate est vn parol plu-
sours fois vñ couchant
le forest, impitant de prend
hors les hals des pees de
grand chiens, pur le preser-
uation del sporte le Roy. Et
vn des articles destre enquire
concernant le forest est; si
touts grand chiens ou Ma-
stives deins le Forest sont
expeditate; & si ascuns la
sont nient expeditate, acor-
dant a l'eyes del forest, don-
que le owner de chescun tiel
chien, forfeitera al roy trois
soulz & quatre deniers, Crom-
tons Jurisdic. fol. 152. Mon-
sieur Manwood vñt mesme
le parol, & Part. 1. de son
Forest Ley, fol. 212. relate le
auntient manner de expedi-
tating de chiens, que sui,
que les trois ortelles del pri-
mer pee del dexte later se rrot
abscein.

The Exposition of

abscindus per le pelle, & que
il auxy adde hors del ordi-
nance appel l'assise del forest,
q̄ m le manner de expedita-
ting des chiens sera iammes
vse & obserue, & nul autre.
Que de que il surdout, que
M. Crompton & il differont,
l'un disant, q̄ l'bal del pee est
abscinde, l'aut, q̄ les trois pri-
mer otelles son desumus p
le pelle.

cut & by the skin, & surdout
be also addeth out of the or-
dinance called the assise of
the forest, that the same ma-
ner of expeditating of dogs
shall be still used & kept, and
none other. Que de surdout
it groweth that M. Crompton
& he differ, the one saying,
that the bal of the pee is cut
out, the other, that the 3 first
clawes are cut off by the skin

Expensis militum leuandis.

Expensis militum leuandis est
Brieve direct al Vis-
count, p̄ leuier le allowance
p̄ Chivalers del Parlement,
Regist. orig. fol. 191. b. Et
Expensis Militum non leuan-
dis ab hominibus de antiquo
dominico, nec a natiuis, est vn
Brieve de phibit le Viscount
de leuier aucun allowance p̄
les Chivalers del Countrey sur
tiels queux tiendront en an-
tient Demesne, &c. Ibidem
fol. 261. b.

Extend.

Extend est de appraiser
les Terres ou Tenements
de vn oblige per Statute,
&c. que ad ceo forscite, &

Expensis militum leuandis.

Expensis militum leuandis
is a brieue directed to the
Viscount for leuering the allow-
ance for the Chivalers of the
parliament. Reg. orig. fol. 191. b.
And Expensis militum non
leuandis de hominibus de an-
tiquo dominico, nec a nati-
uis, is a writ to prohibit
the Viscount to leue any allow-
ance for the knights of the
countrey upon such as hold in
ancient demesne, &c. Ibidem
fol. 261. b.

Extend.

Extend is to value the
lands or Tenements of
one bound by Statute, &c.
that hath forscited it, and
to

to deliuer this to the Conuſee
at ſuch indifferent rate, as
that by the yearly proſite the
conuſee in time may be ſat-
isfied his debt. *See Fitz. N. B.
fo. 123. and Colli. 2. fo. 67.
Palwoods caſe.*

deliuerer cux al conuſee a ti-
el endiffereut rate, come per
le annuel proſite le Conuſee
en temps poer eſtre ſatſisfe
ſon debt. *Veres Fitz. N. B.
fo. 123. & Colli. 2. fo. 67. Ful-
woods caſe.*

Extinguiſhment.

Extinguiſhment is where
any Lord or any other
hath one rent or ſervice go-
ing out of any land, & he pur-
chaſeth the ſame land, ſo that
he hath ſuch eſtate in the
land as he hath in the rent,
then the rent is extinguiſhed.
And if one hath one rent
going out of his owne land,
Alſo when any rent ſhall be
extinguiſhed by ſome other that the
land & the rent are in one
hand, & alſo when the eſtate
that he hath be not defeaſi-
ble, and alſo that he haue no
good eſtate in the land as in
the rent, for if he haue eſtate
in the land but for terme of
life or yeeres, & hath ſome an-
nuaſe in the rent, then the rent
is not extinguiſhed, but the Rent
is in ſuſpence for that time,
and when after the terme the
rent is ſuſpended. And if there
be Lord, Heir, & Tenant,
and the Lord purchaſe the
tenancy, then the mediatie
is extinguiſhed, but the mediatie

Extinguiſhment.

Extinguiſhment eſt lou aſc'
ſeignior, ou aſcun auter
ad aſcun rent ou ſervice iſſu-
ant d'aſcun eſtate, & il peche
meſme le Terre, iſſint que il
ad tiel eſtate en la terre, cōe
il auoit ende Rent, donques
le rent eſt extinguiſhed; par ceo
que vn ſeignior auer rent iſ-
ſuant hors d'un eſtate de meſm.
Auxy qūt aſcun Rent ſerra
extinguiſhed, il conſente que l'er-
re le rent ſouit en vn
maine, & auxy que l'eſtate q'
il ad ne ſoit defeaſible, & au-
xy que il ait auxy bon eſtate
en la terre cōme eſt le Rent; car
ſil ad eſtate en la terre ſouſque
par ſme de vie ou d'ans, &
ad vn ſee ſimple en le Rent,
donques le rent eſt extinguiſhed,
mes le rent eſt en ſuſpence p'
cel temps, & donques apres
le tme l'rent eſt reſtue. Auxy
ſi ſoit ſeignior, Heir, & te-
nant, & le ſeignior purchaſe
la tenancy, donqs l'mediatie
eſt extinguiſhed, mes le meſme
auera

The Exposition of T

auera le surplusage del rent,
si ascun soit, come rent secke.
Auxy si home ad chemin ap-
pendant, & puis purchase, le
trece que le chemin est, don-
ques le chemin est exting, &
issint est de vn common ap-
pendant.

But when the surplusage of
the rent, it shall be as if, as
it is said. And if a man have
a way to a house, and then
the way is exting, & the way is
the way is exting, & the way is
Common appendant.

Extortion.

Extortion est vn tort fait
per vn Officer, Ordinary,
Archdeacon, Official, maior,
Baylife, Viscount, Elcheator,
South-viscount, Coron, Gaol-
ner, Gaoler, ou autre officer,
colore officij sui, en prendrans
excessive reward ou fee pur
execution de son dit Office,
ou auemens, & nest autre
chose fait que plaine rob-
berie, mes plus odible que
robberie, car robberie est ap-
parant, & tout temps ad oue
luy le countenance de vice,
mes extortion esteant cy
haule vice que robbery est,
pour que luy vn countenance
del yce, & raison de quel
il est le plus dure deste trie,
ou disce, & par c' le plus
odible, & ycore ascuns il y
ad que ne voiloyent demur-
mes stretch leur office, credit,
& conscience, pur purchaser
money, cy bien per extortion,

Extortion.

Extortion is to buye any
by any Officer, Ordina-
ry, Archdeacon, Official,
Mayor, Baylife, Viscount, El-
cheator, Coron, Gaoler, or
other officer, by colour of his
office, by taking excessive re-
ward for execution of his
office, or other fee, and to
other thing in debt, & plain
robbery, or rather more od-
ible than robbery, for robbe-
ry is apparent, and al-
ways hath both the
countenance of vice, but ex-
ortion beinge great a vice
as robbery is, rather hath
it a countenance of virtue,
by meanes wherofe it is the
more hard to be viced
disce, and therefore the
more odious, and in some
there be that will not like
to stretch their office, cre-
dit, & conscience, to purchase
money, as lothly by extortion
as

as otherwile, according to
the saying of the poet Virgil,
What is that that Hunger
sweet of Gold doth not con-
strain men mortall to at-
tempt?

come autrement, accordant
al disans de le poit Virgil,
*Quid non mortalia pos-
sura cogit auris sacra fames.*

Evesdroppers.

Evesdroppers are such as
stand under windows or
windows by night or day
to heare newes and to car-
rie them to others to make
strife and debates amongst
their Neighboures, those
are enill members in the
Common wealth, and ther-
fore by the Statute of
Westminster 1. cap. 33. are
to be punished.

And this misdemeanour
is presentable and puni-
shable in the Court Leete,
Kitch. fol. 11.

Evesdroppers.

Evesdroppers sont tiels
queux estoient desouth
mures ou fenestres per nuit
ou iour a oyer nouels & a
carriereux al autersa fayre
strife & debate inter leur
vicines, ceux sont male
members en le Common
Wealth & par ceo per le
Statute de Westminster 1. cap.
33. sont destre punie

Excess misdemean est p-
sentable & punishable en
le Court Leete Kitchen,
fol. 11.

Evidence.

Evidence is generally to
be taken by some proof, be-
it by the Testimonie of
men, by writing. Sir
Thomas Smith Lib. 2. cap.
17. sheweth in both sortes
in these wordes, Evidence
is authentickall writings
of Contracts according
to the manner of England,
that is to say, written, se-
aled, and deliuered.

Evidence.

Evidence est vñe general-
ment par ascun Proofs so-
it il per le testimonie de hōs
ou per escript, Sir Tho. Smith
lib. 2. cap. 17. ceo vñ en am-
bidoux sortes en ceux parolx,
Evidence est authentique
escripts de contracts selon-
que le maner d'engleterre,
cest adire, escrie, enseale, &
deliuer.

Et

The Exposition of

Et Lib. 2. cap. 23. parlant
del Prisoner que estoia
al Barre a pleader pur son
vie, & de ceux que chargea
luy oue Felonie, issint dit,
Donque il monstre que il
poit dire, puis luy auxy
touts ceux queux fueront al
apprehension del Prisoner,
ou que poyent doner as-
cuns indices ou Tokens,
queux nous appellomus
nostre parlance, Eui-
dence, enuers le male-
factour.

And lib. 2. cap. 23. spe-
king of the Prisoner that
standeth at the bar to plead
for his life, and of those that
charge him with Felonie,
saith thus, Then he tel-
leth what he can say, after
him also all those who were
at the apprehension of the
Prisoner, or who can giue
any signes, or Tokens,
which we call in our
Language, Evidence a-
gainst the Malefactor,

Faler de Record.

Faler de Record est quant
vn action est portee enuers
vn & l' defendand plede
ascun matter de record en
auter sort, & auerre de ceo
proue per le record. Et le
plaintife dit nul tiel Record,
sur que le defendant ad-
iour done a luy, pur amesne
eins le Record, a quel iour
il faile, ou amesne eins vn
tiel que nest barre al cest
Action, donques il est dit
per Faler de Record, sur ceo
le Plaintife auera iudgement
de recouuer.

Failing of Record.

Failing of Record is
whē an actiō is brought
against one & the defend-
ant pleads any matter that
is of record in another law,
and doth auerre to proue it
by record, and the plaintiff
saith there is no such Re-
cord, wherupon the defend-
ant hath day giuen him to bring
in the Record, at which day
he faileth, or bring in such a
one, as is no barre to this
actiō, then he is said to faile
of his record, & wherupon the
pl. shall haue iudgement to
recouer, &c.

Faint

Faint action.

Faint action, as Littleton fol. 154. saith, is much as to say in English a fained action, that is to say such action, as although that the words of the writ be true, yet for certain causes be hath not cause nor title by the law to recover by the same action: And a false action is where the words of the writ are false. So false pleading is a conscious, false, and collusive manner of pleading, to the deceit of a third partie, Anno 34. & 35. H. 8. cap. 24.

Deed.

Deed is a writing sealed and deliuered, to prooue and testifie the agreement of the partie, whose deed it is, to the thing contained in the Deed, as a deed of feoffment is a prooue of the liuerie of seisin, for the land passed by the liuerie of seisin, but when the Deed and the Delierie are ioynd together, that is a prooue of the liuerie, and that the feoffee is contented that the feoffor shall haue the land.

And note, That al though

Faint action.

Faint action, come Littleton fol. 154. dit, est au tant adire en Anglois vn Fained action, cest a sauoir, siel action que coment que les parols de le Brieue sont voyers, vneore pur certaine causes il nad cause ne Title per la Ley de reconuer per mesme le action: Et faux action est lon les parols del Brieue sont faux. Iste faint pleader, est vn couenous, faux, & collusiforle manere de pleading, al decept d'un tierce partie. Anno, 34. & 35. H. 8. Cap. 24.

Fait.

Fait est vn escript en scale & deliuer, a prouer & testifier le agreement del partie, quel fait il est, al chose containe en le Fait, come vn Fait de Feoffment est vn prooue del liuerie de seisin, car le terre passe per le liuerie de seisin, mes quant le Fait & le liuerie est ioynt ensemble, cest vn proue del liuerie, & que le feoffee est content que le feoffor auera le terre.

Et nota, que tous faits sont

The Exposition of

font ou indent, de quel y sôt
deux, trois, ou plusfors
partes, come le case re-
quite, de quelle seoffours
grautour, ou lessour ad vn,
le seoffee, grantee, ou lessée,
yn autre: Et peraduenture
ascun autre person auxy vn
auter, &c. Ou autrement ils
sont faits pol, ou single, &
forsque vn, le quel le seof-
fee, grantee, ou lessée ad, &c.
Et chescun fait consist de
trois principal choses, (&
si ceux trois ne sont ioyne
ensemble, il nest perfect fa-
it de lier les parties) nosme-
ment, escripture, sigilation,
& deliuerie.

are either indented, where
there bee thre, thyre, or more
partes, as the case requi-
reth, of which the seoffour
grautour, or lessour hath
one, the seoffee, grantee,
or lessee another: And per-
aduenture some other be-
lieve also another, &c. And all
they are well devised; or sin-
gle, and but one, which the
seoffee, grantee, or lessee
hath &c. And every deed
consisteth of thre princy-
pall poynts; (and if these
thre be not ioyned toge-
ther, it is no perfect Deed
to bind the parties) name-
ly, writing, sealing, and
deliuerie.

Le primer point est es-
cripture, per que est de-
clare les nosmes pel par-
ties al fait, iour habi-
tations, leur degrees, le
chose grauntus, sur queux
considerations, le estate
limit, le temps quant il fuit
grauntus, & si simplement,
ou sur condition, ou au-
tres tiels semblables cir-
cumstances. Mes si les
parties al fait, escript en
le fine leur nosmes demes-
m, ou mis a ceo leur markes
(comme il est communement
use) il ne fait ascun matter
(come ieo suppose) car ceo
nest entende, ou il est dit,

The first poynt is writ-
ting, whereby is shewed
the parties names to the
Deede, their dwelling pla-
ces, their degrees, the
thing graunted, upon what
considerations; the estate
limited, the time when
it was graunted, and whe-
ther simply, or upon con-
dition; with other such
like circumstances. But
whether the parties write
the Deede, write in the end
their owne names, or set
to their markes (as it is
commonly used) it maketh
no matter at all (as I
thinke) for that is not
meant; where it is said, the

that every Deede ought to
have writing.

The second poynt is
sealing, which is a further
testimonie of their consents
to that contained in the
Deede, as it appeareth
in these wordes, In wit-
nesse whereof, &c. up to such
effect, alwaies put in the
latter end of Deedes, with-
out which wordes the
Deede is insufficient. And
because we are about sea-
ling and signing of Deedes,
it shall not bee much a-
miss heere to shewe you,
for Antiquities sake, the
manner of signing and sub-
scribing of Deedes, in our
Ancestours the Saxons
times, a fashion differing
fro that we use in these our
dayes, in this, that they
to their Deedes subscribed
their maynes (commonly
adding the signe of the
Crosse) and in the ende
did set downe a great num-
ber of witnesses, not be-
sing at that time any kinde
of seale. And was at this
day for moresuretie, both
subscribe our names, (al-
though that bee not very
necessarie, as I have a-
foresayd) and put to our
Seals, and be the helpe of
testimonies besides. That
primer fashion continued

que chescun fait couien
de auer escripture.

Le second poynt est si-
gillation, que est plus Te-
stimonie de leur consents
al ceo containe en le Fait,
come appiert per ceux
parols; *In cuius rei Testi-*
monium, &c. oua tiel ef-
fect, mis en le fine de
Faits, sauns queux parols,
le fait est insufficient. Et
pur ceo que nous sumus
en sigillation & signing
de faits, il ne sera de
hors, icy a monstre a
vous, pur le amour del an-
tiquite, le manner del sig-
ning & subscribing de
Faits, en nostre aunces-
ours le Saxons temps, vn
fashion different de ceo que
nous vse en ceux nostre
iours, en ceo que ils a leur
faits subscribe leur nos-
mes, (communement adding
le signe del Crosse) & en le
fine mis vn grand num-
ber de Testmoignes, nient
vsant a cel temps aucun man-
de sigil. Et nous a cest iour
pur plus suertie, auxy bien
subscribe nostre nosme (ni-
ent obstant ceo n'est muli
necessarie, come ieo aye de-
uandit) & mis nostre si-
gilles, & vse le ayde des
testmoignes auxy. Cest
primer fashion continue

The Exposition of

per tout, tanque al temps
del Conquest per les Nor-
mans, quel manners per
petite & petite al darrein
preuaille enter nous, car
le primer Charter Sigil en
Engleterre est pense destre
ceo del roy Edward le
Confessour, al Abbey de
Westminster, que esteaunt
educate en Normandie,
port en cest realme ceo
& aucun autre de leur
guises. Et apres le veniens
de William le Conque-
reur, les Normanes esti-
mants de le custome de leur
pays (come naturalment
tonts Nations) font reiect
le manner que ils trouont
cy, & reteygnont leur pro-
per, come Ingulphus le Ab-
bot de Croiland, que vient
eins oule Conquest tes-
moigne, dicens: *Nor-*
manni cheirographorum
confectionem, cum cruci-
bis auris, & alijs signacu-
lis sacris in Anglia firmari
soltam in cera impressa
mutant, modumque scri-
bendi Anglicum reuertunt.
Mes nient obstant ceo ne
fuit fait tout al vn temps,
mes il increase & vient e-
ins per certaine steps & de-
grees, issint que primes &
par vn season le roy sole-
ment, ou vn peu autre

throughout, untill the time
of the Conquest by the
Normans, whose manners
by little & little as the length
preuailed amongst vs, for
the first sealed Charter in
England is thought to be
that of King Edward the
Confessour, to the Abbey of
Westm, who being brought
by in Normandy, brought
into this Realme that and
some other of their guises
with him. And after the
comming of William the
Conqueror, the Normans
liking their owne Countrey
customs (as naturally
all Nations doe) reiected
the manner that they found
here, & retained their
owne, as Ingulphus the
Abbot of Croiland, who
came in with the Con-
quest witnesseth, saying:
The Normans doe change
the making of writings,
which were wont to be
firmed in England with
Crosses of Gold, and other
Holy signes, into the prin-
ting Waxe, and they reiect
also the manner of the En-
glish writing. Howbeit
this was not done all at
once, but it increased and
came forward by certaine
steps and degrees, so that
first and for a season the
King onely, or a few other

of

of the Nobilitie, heere
him vied to Seale: Then
the Noble men for the most
part, and none other: which
thing a man may see in the
Hystorie of Battell Abbey,
where Richard Lucy chiefe
Iustice of England, in the
time of R. H. the second, is
reported to haue blamed a
meane subiect, for that hee
vied a private Seale, when
as that pertained (as hee
sayd) to the King and No-
bilitie onely.

It which time also (as
I. Rosse noteth it) they
vied to ingraue in their
leales, thei owne pictures,
and counterfeits, couered
with a long coat ouer their
Armour. But after this
the Gentlemen of the bet-
ter sort took by the fashi-
on, and because they were
not all warriours, they
made scales ingrauen with
their fenerall Coates or
Shields of armes, for diffe-
rence sake, as the same au-
thour reporteth. At the
length, about the time of
King Edward the third,
Seales became verie com-
mon, so that not only such as
bore Armes vied to Seale,
but other men also fashi-
oned to themselves Sig-
nets of their owne deuises,
some taking the Letters of

de le Nobilitie, ouster luy
vse de sigiller: Donques
Noblethomes pur le plus
part, & nul autres: Quel
chose vn home voit, veies
en le Hystorie de Battell
Abbey, ou Richard Lucy
Chiefe Iustice de Engle-
terre, en le temps del Roy
Hen. le second, est report
de auer blame vn meane
subiect, pur ceo que il vse
vn priuate Sigille, quaut
ceo pertaine (come il dit)
al Roy & Nobilitie solemt.

A quel temps auxy (com
I. Rosse note ceo) ils vse de
ingraue en leur Sigils, leur
pictures demesne, & coun-
terfeits, couer oue longe
tunicle super leur Armours.
Mes apres ceo les Gentle-
homes del meliour sort
prirent le fashion, & pur ceo
que ils ne fueront toutes
guerriours, ils fesoient si-
gilles ingraue oue leur se-
ueral Coats ou shields de
Armes, pur difference, come
mesme le Authour report.
Al Tarreine, en temps del
Roy Edward 123. sigils fu-
eront mult common, issint
que non solemt tiels qua
portant Armes vse de sigil-
ler, mes autres hōes auxy se-
soient a eux mesmes signer
de leur deuises demesne, as-
cuns pndrants les Letters de

The Exposition of

leur nosmes demesme, ascüs flowers, ascüs knots, & flou-
pissies, ascüs oyseaux, &
beasts, & ascüs aüs choses,
come nous ore vne' iournal-
sit veimous en vie.

Ascüs auters manners
de sigillation ouster ceux
ad estre oye entr nous
come nosmement ceo del
Roy *Edw.* le tierce, per que
il done al *Norman* le Hun-
ter, le hop & le hop ville,
oue tous les bounds vpside
downe, & vn testmoign que
il soit verie, il mord le, cere
oue son fore dent.

Le semblable de cest fuit
monstre a moy per vn de
mes amies en vn loose
charc, mes non mult anci-
entment escript, & pur ceo il
voile moy que ieo esteema
de ceo come ieo pense bien:
Il fuit come ensuist.

Leo *Guilliam King*, done
a vous *Powlen Royden*,
ma Hop & ma Hop Terres,
oue tous les bounds vp &
downe, de celo al terre, de
terre ad infernau, pur toy
& vestres a demurer de
moy & mes, al toy & ve-
stres, pur vn arcke & vn
broad sagit, quauant ieo
veigne pur hunt sur Yar-
row. In Testimoigne q ceo
est veray, ieo morde cest
cere oue mon dent, en pre-

their *stone* names, some
flowers, some knots, and
flourishes; some birds, and
beasts, & some other things
as we now yet daily behold
in use.

Some other manners of
sealings be also these have
bin heard of among vs, as
namely that of King *Ed-*
ward the third, by which
hes gave to *Norman* the
Hunter, the Hop and the
Hop Towne, with all the
bounds vpside downs, and
in witness that it was sooth
hes bit the waxe with his
foze tooth.

The like to this was
shewed to mes by one of my
friends in a loose Paper
but not verie aunciently,
written, and therefore hes
willed me to esteeme of it
as I thought good: It
was as followeth.

I *William King*, giue
to thes *Powlen Royden*,
my Hop and my Hoplands,
with all the bounds vp and
downe, from Heauen to
Earth, from Earth to Hei,
soz thes and thine to diuel,
from mee and mine, to thes
and thine, by a Bow and
a broad Arrow, when I
come to Hunt vpon Yar-
row. In witness that this
is sooth, I bit this waxe
with my tooth, in the pre-
sence

seance of Magge, Maude, & Marguerite, & my thirde son Henrie.

Also that of Albericke de Veer, containing the donation of Hatfield, to which he affixed a short blacke hasted knife, like unto an old halfpennie whittle, in stead of a seale, with diuers such like.

But some peradventure will thinke, that these were received in common vse and custome, and that they were not rather the Deuises and pleasures of a few singular persons, such as are no less deceived than they that deeme every Charter & writing that hath no seale annexed, to be as antient as the Conquest, whereas in verie sealing was not commonly used till the time of King Edw. 3. as hath been already said.

The third poynt is Deliuerie, which although it be set last, is not the least, for after that a deed is written and sealed, if it be not deliuered, all the rest is to no purpose.

And this deliuerie ought to be done by the Partie himselfe, or his sufficient Warrant, and so it shall binde him, whosoever wrote or sealed the same, and by

seance de Magge, Maude, & Margerie, & montierce fitz Henrie.

Item ceo de Albericke de Veer, conteynount le donation de Hatfield, al quel il fixe vn curt noyer hast cuttel, senblable al vn vieux demy-denier whittle, & steed de vn seale, oue diūs tiels senblables.

Mes ascun peradventure voylent pense, que ceux fuerount receiue en common vse & custome, & que ils ne fuerount le Diuises & pleasures dun peu singular persons, tiels quels ne sount meynes deceiue, que ils que pensont chescun Charter & Escrip que ne ad Sigille annex, destre cy auintient come le Conquest, lou en veritie sigillation n fait commument vse tanq, al temps del Roy Edward 3. come adestre dit.

Letierce poynt est Deliuerie, quel nient obstaunt il soit mist darreygne, nest le meaneist, car ap's que vn Fait soit escript & sigille, si n soit deliū, tout presidue est a nul purpose.

Et cest Deliuerie doyt estre fait per le partie luy mesme, ou son sufficient garraunt, & issint il luy liera quecunq, escript ou sigil ceo, & per
B b 3 cest

est darreine est, le fait est fait perfect, accordant al content & effect de ceo; & p c'en fait le Lincie est destre prove; &c.

Iffint poyes veyer; Que escripture & sigillation sans delivrie est a nul porpose: Que sigillation & Delivrie lou hest ase' escripture, work nul chose: Ne escripture & delivrie sauns sigillation auxy fait nul fait. Et p c' ils tous doient iointint concurre faire vn perfect fait, come est auantdit.

this last act, the deed is made perfect, according to the content & effect thereof, & therefore in deeds the delivery is to be proved, &c.

So thus you see, That writing & sealing without delivery is nothing to purpose: That sealing and delivery where there is no writing worketh nothing. And writing and delivery without sealing also make no deed. And therefore they all ought jointly to concur to make a perfect deed, as is before said.

Fardingdeale.

Fardingdeale, autrement Farundell de terre, implia I quart part d'un Acre, Croppons Iustifications, fol. 220. b. Quadrantata Terra est lie en le Register Original. fol. 1. b. ou vous aues auxy, denariata & obolata, solidata & librata terra, que per probabilitie surderoit en proportion de quantitie de fardingdeale, come vn male denier, soulz, ou liuer surdout en value & estimation, doncque obolata est vn demy-Acre, Denariata le acre, solidata douze acres, & Librata douze score Acres. Vne en le Regist. orig. fo. 94. & 248. vo' poyes trou

Fardingdeale.

Fardingdeale, otherwisse Farundel of land, signifies the 4. part of an acre, Crom. Iur. fo. 220. b. Quadrantata terra, is read in the Reg. Orig. fo. 1. b. where you may have denariata & obolata, solidata & librata terre, which by probabilitie must rise in proportion of quantitie fro fardingdeale, as a halfpennie, pence, shilling, or pound rise in value and estimation, then must Obolata bee halfe an acre, Denariata the Acre, Solidata twelve Acres, and Librata twelve score Acres. Yet in the Regist. orig. fo. 94. and 248. you may finde

Viginti

viginti libratis terre vel reditu, whereby it seems that librat is as much as yields xx. s. by the year, & tenū solidatas frararū, tenementaf, & redituum, f. 249. & in F.N.B. fo. 87. there are these words, Viginti libratis terre vel reditus, which pponeth this to be so much land as is valued at xx. s. by the year. See Furlong.

viginti libratis terre vel reditus, per que il semble, que librat terra est tant que donna vingt soulz per lan, & tantum solidatas terrarum, tenementorum & redituum, fo. 249. Et en F.N.B. fol. 87. la sont ceux patois, Viginti libratis terre vel reditus, q. p. u. a ceo destre tant tre cōc est rate al'vigne soulz p le an. Vies Furlong.

Farme or Ferme.

Farme ou Ferme.

Farme, or Ferme is special-ly the chiefe messuage in a village or town whereto belongeth great demenies of all sorts, & hath bin used to be let for terme of life, years, or as will.

Also the Rent that is reserved vpon such a Lease, or the like, is called Farme or Ferme.

And Farmor or Fermor is he that, occupieth the Farm or Ferme, or is lessee thereof.

Also generally enery lessee for life, years, or at will, although it be of neuer so small a cottage or house, is called Farmor or Fermor.

And nota, That they are called Farmes or Fermes, of

Farme ou Ferme est special-ment le chiefe messuage en vn village ou town, a que appertinent grand demeans de tous sorts, & ad este use destre lesse p ur terme de vie, ans, ou a volunt.

Item le rent que est reservee sur tel l ease, ou semblable, est appelle Farme ou Ferme.

Et Farmour ou Fermour est celuy que occupia l'farme ou ferme, ou est Lessee de ceo.

Auxy generalment chescū lessee p vie, ans, ou a volunt, nient obstant il soit d'un petit cottage ou mess. est appelle Farmor ou fermor.

Et nota, que ils sont appellees Farmes, ou Fermes

The Exposition of

del Saxon parol *Feermion*, q̄ signifie p̄ food, ou rend vic-
tual. Car en ancien temps
leur reservation fueront cy-
bien (ou p̄ le plus part) en
victual, come argent, tanque
al darreine, & ceo principal-
ment en le temps de roy Rich.
per agreement, le reservation
de victuals fuit conuert en
readie argent, & issint vnc'
ad continue enter plusieurs
homes.

the Saxon word *Feormion*,
which signifieth to feede, or
victual. For in ancient
time their reservation was
as well (as for t̄) & most part)
in victuals as money, un-
till at the last, and that chief-
ly in the time of King Hen-
rie the first, by agreement,
the reservation of victuals
was turned into ready mo-
ney, and so hitherto hath
continued amongst most
men.

Faux imprisonment.

Faux imprisonment, est vn
briefe, & gist lou home
est arrest & restraine de son
libertie per vn autre, encoun-
ter order de Ley, donques
il auera vers luy cest Briefe,
per que il recouera damages,
Vies plus de ceo deuant tit.
Arrest.

Faux imprisonment.

Faux imprisonment is a
writ, and it lieth where a
man is arrested & restrained
from his liberty by another,
against the order of the law,
the he that haue against him
this writ, shal be that re-
couer damages, so moze
therof besoght, tit. *Arrest.*

Faux iudgement.

Faux iudgement, vies & ceo
deuant tit. *Error.*

Faux iudgement.

Faux iudgment, is therof
besoght, tit. *Error.*

Fee ferme.

Fee ferme est quant vn Te-
nant tient de son seignior
en Fee simple, rendant a
luy le valua del moitie, ou

Fee ferme.

Fee ferme is when a Te-
nant holdeth of his Lord
in fee simple, paying to him
the value of half, or of
the

the 3 part, or of the fourth part, or of the other part of the land by the part. And he that holdeth by fee farms ought not to pay relief, nor do any other thing that is contained in the feoffment, but he shall, for that belongeth to all kind of Tenures.

de tierce part ou quart part, ou de autre part del terre par an. Et il q tient en fee ferme ne doyt payer relief ou faire auē chose mes sicome il cōteine en l'feoffint, fors q, feal tie, car c' appent a tous maners Tenures.

Fee simple.

Fee simple.

Fee simple is when any person holds lands or rēt, or other thing inheritable to him or to his heirs for evermore, and then he is called a fee simple, for it is his for evermore, so that he may give it to a man for ever, yet he hath but an estate for term of life.

Fee simple est quant afeuf person tient terre ou Rent, ou autre chose inheritable, a luy & a ses heires a tous iours, ceux parols, ses heires, sont lestat' d'enheritance, car si t're soit done a hōe a tous iours, vnc' il nad fors q, estat p t'me de vie.

Also if the tenant in fee simple die, his first son shall be his heir, but if he have no son, then all his daughters that he hath shall be his heirs, & every one shall have her part by partition; but if he have no son nor daughter, then his next kinsman collateral of the whole blood shall be his heir.

Auxy si tenant en fee simple deuie, son primer firs sera son heire, mes sil nad firs, donque tous les files que il ad serront son heires & chescun a da son part p partie, mes sil nad firs ne file, donques son pchein cosin collateral de l'enure sa nk sera son heire.

Feoffment.

Feoffment is when a man giveth lands, houses, or other

Feoffment.

Feoffment, cest l'ou a vn done Terre ou tiel chose corporal

The Exposition of

corporal hereditable: & vn
auter en fee simple, & de coo
deliuer scisin & possession,
ceco est vn Feoffement. Auxy
si vn fait donc en le taile, ou
leafe pür tme de vie, ou pür
dant vie, il couient auxy de
done liuerie & scisin, ou aut
ment riens passera per le
grant.

corporal things which be
hereditable to another in fee
simple, & thereof deliuereth
liuerie & scisin: & possession, it
is a feoffment. Also if one
make a gift in taile, or a lease
for term of life, or of another
manners life, it behooves also to
give liuerie & scisin, or els no
thing shal passe by the grāt.

Feoffor & Feoffee.

Feoffor est celui qui enfeoffe
ou fait feoffement al auter
de tres ou tenements & fee sim
ple. Et feoffee est celui que
est enfeoffe, ou a q le feoffment
est issir fait.

Feoffor and feoffee.

Feoffor is he that maketh
or maketh a feoffment to
another of lands or tenements
in fee simple: & feoffee is he
who is infeffed, or to whom
the feoffment is so made.

Fealties.

Falties est vn seruice appell
en Latine, *Fidelitas*, &
serra fait en tiel maniere, ceste
scauoir, le Tenant tiend sa
maine dextre sur le liuer, &
dira a son Seignour, Jeo a
vous serra foyal & loyal, &
foy vous portera des tenements
que ieo clayme de tener de
vous, & loyal vous serra
les customes & Seruices que
faire vous doy al termes as
signez, sicome moy cyde
Dieu: & basera le liuer. Mes

Fealties.

Falties is a seruice called
in Latine *Fidelitas*, & shal
be done in such manner, viz.
the tenant shal hold his right
hand upon a booke, and shal
say to his lord, I shal be to
you faithfull & true, and shal
beare as you faith for the
lands & tenements which I
claime to hold of you, & true
ly shal do to you the customes
and seruices that I ought
to doe to you at the termes
assigned, so helpe me God:
and shal kisse the booke: but
he

hee shall not kneele as in do-
ing homage. And thereof see
after in the Title Homage.
Also fealty is incident to al
manner Countrey.

Felonie.

Felonie is a general terme
which comprehendeth di-
uers heinous offences, for
which the Offendors ought
to suffer death and lose their
land: And it seemeth that
they are called Felons of
the Latyn word Fel, which
is in English, Gall, in French
Fiel: or of the antient En-
glish word, fell, or fierce, or
because that they are inten-
ded to be done with a cruel,
bitter, fell, fierce, or mischie-
vous minde. And some of
them are, when a man with-
out any colour of law, stea-
leth the goods of another a-
mounting to the value of xij.
pences or more, that is Larce-
ny: but if any approacheth
the person of another in the
highway and robbeth him
of his goods, although it bee
to the value of one penny it is
felony, and that is called ro-
bberie, and therefore he shalbe
hanged.

il ne genulee, come en fesant
homage. Et de c' vies aps en
le title Homage. Auxy fealty
est incident a tous mans se-
nours.

Felonie.

Felonie est vn general terme
que comprehend diuers
heynous offences, p' que l'of-
fendors doyent suffer mort,
& perdre leur tres. Et semble
que eux sont appellez felo-
nies del Latyne parol Fel,
que est en Angloys, Gall, en
Francois, Fiel: Ou del an-
tient parol Angloys, Fell,
ou Fierce, ou pur ceo q' sont
entends destre faicts felleo ani-
mo, with bitter, fell, fierce, ou
mischieuous mind. Et ascuns
de ceux sont, quant hoefans
ascun colour de Ley, emblea
les biens d'un autre, amoun-
tant al value de xij. deniers,
ou pluis, ceo e' Larceeny: Mes
si vn approcha a Je person
d'un autre en l'haule chemin,
& luy robba de ses bns, mes-
que ils ne sont fors q' al va-
lue de vn denier, il est felony
de c' est appel' robbery, & p'
c' il sera pendue.

The Exposition of

Fieri facias.

Fieri facias.

Fieri facias est vn Brieft iudicial, & gist lou home recouera det ou damages Court le Roy, donques il auera cest Brieft al Viscount, luy commandant, que il leue le dette & les damages des biens celuy vers que l'recouerie est eue, & gist tous foits deins lan & iour. & apres lan luy conient suer vn *Scire Facias*, & sil soit garnie, & ne vient al iour, &c. ou sil vient, & ne scauoit ri dire, donques celuy que recouera auera Brieft de *Fieri Facias* direct al Viscount, que il face luy au execution d' iudgment.

Mes si home recouera vers vn feme, & el prist Baron deins lan & le iour, donques il conient que cestuy que recouera auera *Scire facias* vers le baron.

Auxy est si Abbot ou Prior recouer & deuie, son successor deins lan auera *Scire facias*. Vide de ceo plus en le title *Scire facias*, & Title Execution.

Fieri facias is a writ subleuall, & is lish wher a man recovereth debt or damages in the Kings Court, then he shal haue this writ to the sherife, commanding him that he leue the debt and damages of the goods of him against whom the recouerie is had, and it lish alwayes within a yeare & a day, & after the yeare hes must sue a *Scire facias*, & if he bee warned, & doth not come at the day, &c. or if he come and can say nothing, then hes which recovereth shal haue a writ of *Fieri facias* directed to the sherife, that he make him to haue execution of iudgment.

But if a man recouer against a woman, & shee take a husband within the yeare & the day, then he that shall recover must haue a *Scire facias* against the husband.

So it is if an Abbot or Prior recouer & die, his successor within the yeare shal haue a *Scire facias*, in the title *Scire facias*, and title Execution.

Fin.

Fine.

Fine.

Fine sometimes is taken for a sum of money which one is to pay to the King, for any contempt or offence done by him: which fine is uery one that committeth any trespass, or he that is convicted, that hee faulshly denieth his owne doede, or doth any thing in contempt of Law, shal pay to the King: which is called Fine to the King. Sometime a fine is taken for a final agreement which is had between any persons concerning any lād or rē, or other thing whereof any suit or writ is between the hāging in any Court, which may be diuers waies. One is without any party acknowledging that to bee the right of the other, as that he hath of the gift of him that made the recognisance, which diuers supposeth a feoffment going to force, & is called a fine executed: Or if hee acknowledge that to bee the right of another, omitting these wordes (come ceo que il eit de son done) which bring a fine upon acknowledging of right onely, if it bee lent to him which hath the frankhold of the land is a fine upon a release.

Fine ascun foits est prise pur vn somme d'argent quelascun est de payer al Roy pur ascun contempt ou offence commit per luy, quel fine, chescun que commit ascun trespass, ou que est convict, que il faulshment denye son fait, ou sefoit ascun chose en contempt del Ley, paiera al Roy, que est appel fine al Roy. Ascun foits fine est prise pur vn final Concord, quel est entre ascuns persons touchant ascun Terre ou Rent, ou autre chose, dont ascun suit, ou Briefcest epter eux pendant en ascun Court, quel poit este en diuers maners. Lun est quant son partie reconust ceo este le droit del autre, come ceo que il eit del done cestuy que sefoit le Reconusans, quel vouts foits suppose vn Feoffment precedent, & est dit Fine execute, ou si il reconust ceo destre le droit del autre, ommittant les parolx (come ceo que il eit de son done) quelesteant Fine sur conusans de droit tant, si soit leuie a cestuy q eit le franktenement del terre est Fine sur release.

Et

The Exposition of

Et si cestuy que ceo conuist est feilse, & celuy a que est leue neit le Franketement del Terre, donques est dit fine executorie, quel cestuy a que le Terre est conus poit executer per entrie, ou Scire Facias.

Et ascun foits tiel fine Sur conusans de droit tantum est pur faire vn Surrender: loien ceo est repeate, que le reconusor est estate pur vie, & l'auter en reversion.

Et ascun foits ceo est ew de passer vn reversion, lou particular estate est recite deite en auter, & que le reconusor voit que l'auter auera le reversion, ou q le terre remaine al auter apres le particular estate finit.

Et ascun foits celuy a que le droit est conus, come ceo que il ad del done le reconusor, rendra la Terre ou vn rent hors de ceo al conusour. Et ceo ascun foits pur l'entier Fee. Ascun foits pur vn particular estate, oue remainder ou remainders puster. Et ascun foits oue reservation de rents oue distresse & graunt de ceo puster per mesme Fine.

Et est appel fine, quia per ceo le suit est determine, & si ceo soit record

And if hee that acknowledged it is feilse, and hee to whom it is leuied hath not the freehold of the land, then it is called a fine executory which he to whom the land is acknowledged may execute by Entrie, or Scire facias.

And sometime such a fine Sur conusans de droit onlie is to make a Surrender: therein is rehearsed that the reconusor hath an estate for life, & the other a reversion.

And sometime it is taken to passe a reversion, where a particular estate is recited to be in another, & that the reconusor will that the other shall haue the reversion, or that the land shall remaine to another, after the particular estate spent.

And sometime he to whom the right is acknowledged as that hee hath of the gift of the reconusor, shall receld the land, or a rent out thereof to the conusor. And that sometime for the whole Fee. Sometime for one particular estate, with remainder or remainders ouer. And sometime with reversion of Rents with distresse and graunt thereof ouer by the said fine.

And it is called a Fine, because thereby the suit is ended, and if it be recorded with

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with proclamation accord-
ing to the Statute 4.H.7.
is barreth strangers.

one proclamation solonque
le Statute 4.H.7. ceo barre e-
strangers.

Firebote.

Firebote.

Firebote is necessarie
wood to burne, which by
the Common Law, lesse
for peares, or for life, may
take in his ground, al-
though it bee not expelle
in his lease: And although
it bee a lease by word only
without writing: But if
hee take more than is need-
full, hee shall be punished in
waist.

Firebote est necessarie
Boys pur arder, quel
per le common Ley, Lesse
purans, ou pur vie, poit
prendre en son Terre, ai-
ent obstant il ne soit ex-
presse en son Lease: Et ni-
ent obstant il soit vn lease
per parol tantum sans fait
Mes sil prist plus que be-
soigne, il sera punie en
waist.

Fledwite.

Fledwite.

Fledwite, that is to bee
quit from ameracements
when an outlawen fugi-
tive cometh to the Kings
Peace of his owne Will, or
being licenced.

Fledwite, hoc est quietum
esse de ameramentiis, cū
quis vtlagatus fugitiuus ve-
niat ad pacem domini regis
sponte, vel licentiatus.

Flemeswite.

Flemeswite.

Flemeswite, that is, that
you may have the cattel
or Ameramentiis of your
man or fugitive.

Flemeswite, hoc est quod
habeatis catalla, siue a-
merciamenta hominis vestri
fugitivi.

Fletwit.

Fletwit.

Fletwit, or (Flitwit) that
is to bee quit from con-
tention and conuictis, and

Fletwit, or (Flitwit) hoc
est, quietum esse de con-
tentione & conuictis, &
quod

The Exposition of

quid habeatis placitum in
de in Curia vestra, & amercia-
ment, quia (Flit) Anglice
est Tenson Gallie,

that you may have pla-
 thereof in your Court, and
the amerciaments, for (Flit)
in English, is Tenson in
French.

Floasam.

Floasam est quant vn ni-
cke est submerge ou au-
terment perish, & les biens
float sur la mere, & ils sont
dones al Seignior Admiral
per ses letters Patents,
Veies Coke, lib. 3. fol. 106.

Floasam is when a Ship
is drowned or otherwise
perished, and the goods float
upon the Sea, & they are gi-
uen to the Lord Admirall
by his Letters Patents, see
Coke, lib. 3. fol. 106.

Footgeld.

Footgeld est vn amercia-
ment pur nient pren-
drant hors les Balles des
pees de graund chiens en
le Forrest pur que ve-
ies Expediate: Et de stre
quit de Footgeld est vn
pridilledge d'auer chiens ir-
regular deins le Forrest
sauns paine ou controle.
Crompton, Jurisdic. fol.
197. Manwood, parte, 1.
pag. 36.

Footgeld is an amercia-
ment for not carrying out
the balls of great dogs forth
in the Forrest, for which
they Expediate: And to
be quit of Footgeld is a
priviledge to keepe Dogs
within the Forrest without
punishment or
controllement. Crompton,
Jurisdiction, fol. 197. Man-
wood, parte, 1. pag.
36.

Forrest.

Forrest est vn lieu priui-
ledge per authorite roy-
al, ou per prescription, pur
le peaceable abode & nou-
rishment del Beasts ou oy-
seaux del Forrest, par le

Forrest is a place priui-
ledged by a Royal autho-
ritie, or by prescription, for
the peaceable abiding and
nourishment of the beasts
or birds of the Forrest, for
dispozt

disport of the King. For
which there hath bene in
certaine time certaine pe-
culier Officers, called, and
now, part of which ap-
peare in the great Charter
of the Forest.

Foriudger.

Foriudger is a iudgement
given in a right of ad-
vance, brought by a tenant in
right of a freehold, which
hath been acquired by the
tenant of services due to
him by the Lord, whereby
from the tenants is to be
done, and the same ten-
ant appears, then the
rent shall be given, then the
same Lord shall take the
Seigniorie, and that the
Tenant shall have the same
hall hold of the Lord above
by such service as the Lord
shall bestow, and shall be
charged of the same
which has been done to the
tenant, by the Lord of West.
cap. 6. and that is called a
Foriudger.

And also if an Attorney
or other Officer in any
Court be put out and be
bidden to be the same, he
is to be put out of the
Court.

disport del Roy. Pur queux
ontestre en certain temps
certaine peculier Officers
Leyes, & orders, par de
queux apparoit en le
grand Charter de la For-
est.

Foriudger.

Foriudger est un iudg-
ment donne en un Brief
de **Foriudger** port par un Ten-
nant en son le mesme Seig-
norie, que doit acquies
le Tenant des Services de
maunders per le Seignior pa-
ramount de que le tenement
est tenu, & le mesme ad-
voile appare, donec que
le mesme Seignior perdes
son Seignorie, & que le ten-
nant dillanques tiendra
del Seignior paramount per
ciels services come le mesme
tenoit devant, & seront dis-
charge del services queux il
rendoit al Mesme, per le Stat-
ute de **Westmister. 2. cap.**
9. & ceo est appelle un **For-**
iudger.

Et ausy si un Attorney ou
auter Officer en une Court
soit ouste & prohibe de ve-
nir, il est dire de **Foriudger**
le Court.

Formedon. **Formedon.** est vn Brieft, & est luy tenant en le taile infuiffa vn chiraunge, ou est difficile, & deue, le heirs auera Brieft de **Formedon** pur recouer le Terre. Mes sont trois Brieftes de **Formedon**. Vn est a le discender, vn est a le eleuant, vn est a luy. Vn donc terre en le taile, & pur deue de luy le remainder a vn autre en le taile, & que pur deue de luy le terre auera Brieft de **Formedon**, si le premier tenant en le taile deue fauiffa de cestuy en le remainder auera vn Brieft de **Formedon** en le remainder. Mais si le tenant en le taile deue fauiffa, & cestuy en le remainder auxy deue fauiffa, donques le donour ou ses heirs auera vn **Formedon** en le remainder.

Forcain. **Forcain.** est vn parol aduerser, & luy oue d'aucun substantiue, bien digne de luy. **Forcain** matter triable en l'autre Countie, Pl. Cor. 134. ou matter fait en

Formedon. **Formedon.** is a writ, and it is to be taken in the taile infuiffa as an stranger, or is difficult, and it is to be taken, the heirs shall have a writ of **Formedon** to recover the Land. But there be three manner of **Formedon**. One is in the discender, and that is in the case, before said. And if one give Land in the taile, and his heir shall have the remainder in the taile, and he shall deue of such thing the Land shall revert to the donee, if the first tenant in taile die without issue, he or his remainder shall have a **Formedon** in the remainder. But if the tenant in the taile die without issue, and he in the remainder shall have the writ of **Forcain**, then the donour or his heirs shall have a **Formedon** in the remainder.

Forcain. **Forcain.** is a writ, and it is to be taken in the taile infuiffa as an stranger, or is difficult, and it is to be taken, the heirs shall have a writ of **Formedon** to recover the Land. But there be three manner of **Formedon**. One is in the discender, and that is in the case, before said. And if one give Land in the taile, and his heir shall have the remainder in the taile, and he shall deue of such thing the Land shall revert to the donee, if the first tenant in taile die without issue, he or his remainder shall have a **Formedon** in the remainder.

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fol. 12
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both
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Services
Forcain
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another Countie, Kitch. fol. 126. Forcain Plea is a refusal of the Judge as incompetent, because that the matter is hand down not within his Jurisdiction, Kitch. fol. 75. & Anno 4. H. cap. 2. & Anno 22. iud. cap. 2. & 14.

Forcain answer, is such an answer as is not agreeable in the Countie where it is made, Anno 15. H. 6. cap. 5.

Forcain service, is such service whereby a manne Lord holdeth over of another without the compasse of his own fee. Brooke, tit. Tenures, fol. 251. Num. 12. & 28. and Kitch. fol. 209. or else that which a tenant performeth eyther to his own Lord, or to the Lord above him, out of the fee: for of such services, Bracton lib. 2. cap. 16. num. 7. speaketh thus:

Also there are certaine Services which are called Forcain, although they be named and expressed in the Charter of Feoffment and which may therefore be called forcain, because they appertaine to our Lord the King, and not to the chiefe Lord, vnlesse when hee goeth in service, in person, or that he satisfieth our

another Countie, Kitch. fol. 126. Forcain Plea, est un refusal del iudgement in competent par ceo, que le matter dependant ne soit deins ses limits, Kitch. fol. 75. & Anno 4. H. cap. 2. & Anno 22. iud. cap. 2. & 14.

Forcain respons, est tel respons que n'est amble en le Countie où il est fait, Anno 15. H. 6. cap. 5.

Forcain service, est tel service per que un Mesne Seigneur tient ouster d'un autre dehors le circuit de son fee demesne. Brooke, tit. Tenures, fol. 251. Num. 12. & 28. & Kitch. fol. 209. autrement ceo que un Tenannt performe ou a son Seigneur demesne, ou a le Seigneur paramount hors d'il fee: Car de tiels services Bracton, lib. 2. cap. 16. num. 7. issint parle.

Item sunt quidam servitia qua dicuntur Forcaina, quoniam sunt in Carta de Feoffamento expressa, et nominata, & quoniam dicuntur Forcaina, quia pertinent ad Dominum Regem et non ad Dominum capitalem, nisi cum in propria persona profectus fueris in servitio: vel nisi cum pro servitio suo satisfeceris domino.

The Exposition of

Dominus Regi quocumque modo, & sunt in certis temporibus cum casu & necessitate eueniunt, & varia nomina habent & dicuntur. Quandoque enim nominantur Forinsecuti, hoc est sumpto vocabulo, quod seruitijs domini Regis, quandoque Scutagium, quandoque Seruitium Domini Regis, & idem Forinsecum dicitur potest quis sit & capitur foris, siue extra seruitijs quod sit Domino Capitali Vaic. Brook. Tenures 23

*Foraine seruaice semble de-
sire seruaice de Chivalier ou
Esquage non certaine, Per-
kins fol. 650.*

*Foraine attachement est
vn Attachement des biens
de Forainers deins aucun
Franchise ou Citie par l'
Gaishacion d'aucun Citizen
a que le dit Forainet doit
argent.*

*Forcin Apposer est vn of-
ficer en le Exchequer, a que
tous Viscounts & Bay-
liffes viendront per luy de-
lire opposte de leur greene-
waxe, & de ceo il est
en charge sur le Viscount
ou Bayliff, al Clerke del
Pipe.*

Lord the King for the ser-
uice by some kind of means,
and they are performed at
certain times when occa-
sion and necessity require,
and they haue diuers & sin-
drie names: For sometime
they are called Forcin, the
word taken largely, as to
the King's seruice, sometime
Esuage, sometime seruice
of the King, & it may there-
fore be called forcin, because
it is done and taken without
or beside seruice done to the
Lord Paramount. See
Brook. Tenures. p. 23.

*Foraine seruaice, seruaice
to bee Knights Seruites, or
Esuage certaine, Per-
kins sect. 650.*

*Forcin Attachement is
an Attachment of the goods
of Forainers within any
Libertie or Citie, for the sa-
tisfaction of any Citizen to
whome the sayd Forainers
oweth money.*

*Forcin Apposer, is an
Officer in the Exchequer, to
whome all Sheriffes and
Bayliffes doe repaie by
him to bee apposed of their
greene waxe, And from
thence he taketh downe a
charge upon the Sheriffe or
Bayliff to the Clerke of
the Pipe.*

Forshall.

Forfall.

Forfall.

Forfall, that is to be quit
of amerciaments & catels
arrested within your land, &
the amerciaments thereof
counting.

Forfaller.

Forfaller is he that buy-
eth some catel, or other
merchandise, & suborneth it
to be sold, by the way, as it
cometh to market, fairs, &
such like places, so he bid-
deth the intent that he may sell
the same, againe at a more
high and deare price, in per-
juice and hurt of the com-
monwealth and people, &c.

The paine for such a crime
consisteth thereof, in the first
time imprisonment for three
months, and loss of the har-
bour of the haven, &c.

The second time, imprison-
ment for six months, & loss
of the harbour, &c.

The third time, imprison-
ment for a year, & loss of
the harbour, &c.

Forfall, hoc est, quietu esse
de amerciaments & catels
arrestatis infra terram vestram,
& amerciamenta inde pene-
dicant.

Forfaller.

Forfaller est ille qui quatuor
blecs, aut, ou aut mercha-
disie quocunque Evendit, &
le chum qm il vira at Mar-
ket, fairs, ou tides, &c. leix
desse vende, al emani que il
pote vender ceo au foyre, al
va plus hault de chere price,
en puidice & damage de le
commonweale & genyral.

Le penalty p ceux queux
sont conuict d'ce est l'prim
temps imprisonment p deux
moys, & pde de le value del
chose vende.

Le second temps, im-
prisonment per l'espace de demy
an, & pdra le double value
des biens, &c.

Le troisiem temps, im-
prisonment pour un an, &
durant le plaisir le Roy, &
iudgment del Pillory, & for-
feita tous les biens & Cha-
teux, Vie, le Statute, &c.

Forfaller, that is to be quit
of amerciaments & catels
arrested within your land, &
the amerciaments thereof
counting.

Forfaller, hoc est, quietu esse
de amerciaments & catels
arrestatis infra terram vestram,
& amerciamenta inde pene-
dicant.

Fourcher.

Fourcher est un deuilé vie a
 delayer le plainctif ou de-
 mandant en un suit enuers
 deux, queux a ceo ne soit de
 responder tanque ils ambi-
 deux appare, & se apparece
 ou Essoyne d'un de eux voile
 excuser le default del autre a
 cel iour, & ceux agrece, que
 l'un d'eux seulement sera es-
 soyné au apparece al un iour,
 & si l'un d'eux del apparence
 del autre, auoit iour ouster de
 apparece, le aut parry a son
 volume de iour, & a ceo iour
 l'aut vint apparece ou estre
 essoyné, & celui q' devant
 apperoit, ou suit essoyné, ne
 voile donques appare, p' ceo
 que il s'eroit dau' au iour
 per le adournement del par-
 tie q' donques appiert ou est
 essoyné, ceo s'appel Fourcher,
 & en alguns cas le mischif
 a ceo est remedié per le stat
 de Glouc. cap. 10. & par le
 cap. 11. q' sont en le collectio
 des Statutes, en le fin d'icelle,
 & par le 10. & 11. d'icelle.

Franches Royal.

Franches Royal est lou
 le Roy graunt al un

Fourcher.

Fourcher is a deuilé life
 to delay the plaintif or de-
 mandant in a suit against
 two, which thereto are not
 to answer till they both ap-
 pear, & the appearance of es-
 soyne of one will excuse the
 other default at that day,
 & they agree, that the one
 shall be esoynd to appear
 one day, and by the end of the
 appearance of the other, shall
 have that day to appear, & the
 other will have the same day,
 & at that day
 the other will appear, or be
 esoynd, and by that appoi-
 nted of that esoynd de-
 fault, will not then appear,
 because he hath to have a
 month day by the adourn-
 ment of the party which
 then appears, & so the other
 Fourcher is a deuilé life
 to delay the plaintif or de-
 mandant in a suit against
 two, which thereto are not
 to answer till they both ap-
 pear, & the appearance of es-
 soyne of one will excuse the
 other default at that day,
 & they agree, that the one
 shall be esoynd to appear
 one day, and by the end of the
 appearance of the other, shall
 have that day to appear, & the
 other will have the same day,
 & at that day
 the other will appear, or be
 esoynd, and by that appoi-
 nted of that esoynd de-
 fault, will not then appear,
 because he hath to have a
 month day by the adourn-
 ment of the party which
 then appears, & so the other
 Fourcher is a deuilé life
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 mandant in a suit against
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 other default at that day,
 & they agree, that the one
 shall be esoynd to appear
 one day, and by the end of the
 appearance of the other, shall
 have that day to appear, & the
 other will have the same day,
 & at that day
 the other will appear, or be
 esoynd, and by that appoi-
 nted of that esoynd de-
 fault, will not then appear,
 because he hath to have a
 month day by the adourn-
 ment of the party which
 then appears, & so the other

Franchise Royal.

Franchise Royal is when
 the King graunt to one
 and

of the forester, although it be
his own, *Crom. Inst. 10. 287.*

Frankfe fee.

TO hold in Frankfe fee is
to hold in fee simple in dis-
pleasable at the common law
from all ancient demesne.

Frankfe law.

FRANK law, *see Crom. Inst.*
10. 287. where you may
find what this is by the com-
mon law: to wit, that for an of-
fence, as conspiracy, to which
his Frankfe law, is said to fall
into these mischiefs; First,
that he shall never be im-
panelled upon any Jury of as-
sise, or other wife held in lay-
ing any treason or felony; he hath
any thing to do in the kings
court, he shall not approach the
there in person, but must ap-
point his attorney: 2. His
lands, goods, or chattels are to
be seized into the Kings hands, &
his lands must be escheated,
his trees rooted up, & his bo-
die committed to prison.

blorson 2

Free marriage.

Free marriage is when a
man and woman are joined in
marriage by the consent of the
parties, and the consent of the
parents or next of kin.

del forester, nient obstant q soit
son demesne, *Crom. Inst. 10. 287.*

Frankfe fee.

TENETEN Frankfe fee est teni-
re en fee simple trespleasable
ala Common ley, & nient
ancien demesne.

Frankfe ley.

FRANKfe ley, *see Crom. Inst.*
10. 287. ou vous poyez
trois q ceo est le contraire,
car celuy q p vn offence de
conspiracy, perde son Frankfe
ley, est dit de cauz en ceux
males l. Que il ne vaques
sera impanel sur ase lury ou
A sise, ou auent vsc en disant
ase volenty: auxy sil ad ase
chose a faire en le Court le
roy, il ne c' veña en person,
mes couiet a design son At-
turnay: 3. Ses tres, bns & cha-
teux sont destre seise en les
maines le Roy, & ses Tetres
ferroyent estreape, ses arbres
eradicate, & son corps com-
mise al prison.

Frankfe marriage.

Free marriage est quand
un homme & une femme sont
joins ensemble par le consente-
ment des parties, & le consente-
ment des parents ou prochains.

see simple; done ceo al eurer
home, & a sa feme, q est file,
soer, ou auient de kinne al
donor, in frankmariage, per
vertue de queux parols ils
ont va estate en special taile,
& tiendra le terre del doner
quite de tous manners des
seruices, tanque le quart de
gree soit passe, accountant
eux mesmes en le primer de-
gree, sinon fealty, queux ils
fieront, pur ceo que est in-
cident a tous Tenures, for-
que Frankalmoigne, Et tel
done poir estre fait cyben a-
pres mariage, solemnize,
come devant. Et home poyt
done fies a son fil, & frank-
mariage, cyben, come a son
file, p le opinion de M. Fitz-
herbert en son Bie de Cham-
paigne.

Mes il appiert auient en
M. Littleton, & en M. Brooke,
italo Frankmariage, pla. 10.
Et issint il suit tenu de re en
Grey's Inne en l'ent, ann.
1576. 19. Elz. per le Wor-
shipful Mr. Boder, donq Le-
sor la.

Franketement.

FRANKETEMENT est va E-
state que home ad & fies
ou Tenement, ou profit a

for simple, given to an
ther man and to his wife,
who is the daughter, sister,
or other wife of kinne to the
donor. In this marriage, by
virtue of which words they
have an estate in special taile
and shall hold the land of the
donor quit of all manner of
services: untill the fourth
degree be past, accounting
themselves in the first de-
gree, except fealty, which
they shall doe, because it is
incident to all tenures, the
thing for which. And such
gift may be made after mar-
riage solemnized, as be-
fore. And a man may give
lands to his son in frank mar-
riage, as well as to his daugh-
ter, by the opinion of M. Fitz-
herbert in his book of Chum-
pertie, folio 10. and 11. and 12.
But it appereth other-
wise in M. Littleton, folio 10.
And Fitzherbert saith
that it may holden cleare
in Grey's Inne in l'ent, an.
1576. 19. Elz. by the wor-
shipful Mr. Boder, then
Reader of the Inne, and al-
so in M. Brooke's book of
the laws, folio 10. and 11.

Freehold.

FREEHOLDE is an Estate
that a man hath in lands
or tenements, or profits so
taken

taken in for simple, taste, for
terme of his owne life, or for
terme of anothers life, in
doower, or by the curtesie of
England: I wonder that there
is no freemond, to be that
birthplace in vaine, or be
better well, birth no free-
mond, but they are called che-

Who of these boys ever are
 not kind, viz. Parents in
 Deeds and words in Love.
 Parents in Deeds are better
 a little body control than the
 arguments, and so better
 control family actually, & in
 deed. But if the father is
 of little or no arguments in
 favour of his, & if the mother
 is of little or no love for
 him, then he will be a
 failure in his family.

[illegible]

prendre en fec simple, taile, p
 ãme de son vie demefne, ou
 p ãme dau vie, en dower, ou
 p le curtesie D'engleterre. Et
 fourth c'il neft frankteneñt,
 car il que ad eftat p ãns, ou
 tiēt a vol, nad afc' franktene
 ãnt, mes li font appels Cha
 tels.

Et de frankeneint il y ad
deux sorts, s. frankeneint en
fait, & frankeneint en Ley.

Franktement en fait Equi
vn home ad entrede freset ou
tenements, & est seiffe d'ceo
realment, actualit, & e fait.
Sicome le pere seiffe de freset
ou tenements en fee simpl, de
uie, & son fises en eux cõe
heire a son pere, doqueril ad
vn franktement ep fait, p
son entrie.

Frankeneimt en Ley est
qñtres ou Tenements sont
descendus al va home, & il
poit enter en eux qñ a luy
pleist, mes nad vac' fays son
entrie en fays, come en f' case
auaardit, si le pierre esteant
seisse de tre en tre simple, de
uy seisse, & ils descendent a son
fils, mais le fias nad vac' en
en fait eux, ou deuy son
entrie il ad vn frankeneimt
en Ley.

Frage

take them, this is called
fresh suit. And so in other
like cases.

reprist eux, cest appel fresh-
suit. Et issint en autres sem-
blables cases.

Gager de deliuerance.

Gager de deliuerance is
where one seeth a Re-
plein of goods taken, but
he hath not the deliuerance of
the goods, and the other a-
nothwerth, and the pi^{er} sheweth
that the def. is yet possessed
of the goods, &c. and say-
eth that the Defendant
may gage the deliuerance,
then he shall put in sureties
or pledges for the deliue-
rance, and a writt shall go
forth to the Sheriffe for to
redeliver the goods, &c.
But if a man claime pro-
prie, he shall not gage
deliuerance.

And if he say that the
beasts be dead in the pound,
he shall not gage, &c.
If a man shall moue
gage, the deliuerance be-
cometh that they be at home,
or somewhere in the land, or
in the sea.

Gager de deliue-

Gager de deliuerance est
lou vn sua Repleuin
de biens prise, mes il
n'ad deliuerie des biens, &c.
l'auterauowra, & le plain-
tife monstra que le Defen-
dant est vncore possesse des
biens, &c. & pria que le de-
fendaut gagera deliuerance
donques il mistra eins sure-
tie ou pledge par le redeli-
uerance, & vn Briefe issira
al Viscount par redeliuerer
les biens, &c. Mes si home
claime propertie, il ne gage
deliuerance.

Auxy sil dit que le auers
sont mors en le pound, il
ne gagera, &c.

Auxy home ne gagera
iammes le deliuerance a-
ouant que ils soient a l'ine,
ou demurer en ley, & di-
citur.

Gable.

The Exposition of - T

Garble.

Garble est de forter & selester le bone chose de le male, come le Garbling de bowstaues Anno. 1, Rich. 3. cap. 12, & le Garbling de spice, est riens auter forsque de purifiee ceo del drosse oue que il estmixe.

Gardeinde spiri- tualties.

Garden des spiritualties cest celui a que le spiri-
tuel iurisdiction est com-
mise durant le vacancie del
See, 1. 3. H. 8. Cap. 21.

Garrantie des Charters.

Garrantie des Charters
est vn Briefe, & gill
lou ascun fait est fait que
comprehende abuse de Gar-
rantie, cest a sauoir, Ded i
ou Concessi, ou cest parol
warrantizabo, & si le re-
nant soit impleade per vn es-
trange, si soit en Assise ou
trelac, ou il ne soit vouch
a garrantie, donques il auera
cest Briefe vers son feoffor
ou son heire, & si le terre
soit recouer vers luy, il re-
couera taunt del Terre

Garble.

Garble is to sort and chuse
the good from the bad, as
the garbling of bowstaues,
Ann. 1. R. 3. cap. 11. and the
garbling of spice is nothing
else but to purifie it from
the dross with which it is
mixed.

Gardein des spiri- tualties.

**Garden of the spiritual-
ties** is he to whom the spiri-
tuel iurisdiction is committed
during the vacancie of the
See, 1. 3. H. 8. cap. 21.

Garrantie of Charters.

Garrantie of Charters is
a writ, and is such to here
any deed is made that com-
prehendeth a clause of Warr-
rantie, that is to say, Ded i
or Concessi, or this word
Warrantizabo, or the tenant
be impleaded by a stranger,
if it be in assise or trelac
where he may not be wought
to warranty, then he may have
this writ against his feoffor
or his heire, & if the land be
recovered against him, he
shall recover as much land

in baile against him that made the warrantie. But this writ ought to bee sued hanging the first writ against him, or else hee hath lost his advantage.

Also upon a warrantie in the leso, as upon homage conceitrell, or upon Rent reserved upon a Lease for terme of life, or a gift in the Copie, a man shall haue a writ of warrantie of Charters, but not upon Escuage.

Garrantie. To sell or to give.

Garrantie is in three manners, that is to say, Garrantie lineall, & Garrantie collateral and which begeth by disseisin.

Warranty lineal is where a man seised in fee; or in taile, maketh a feoffment by his deeds to another, & bindeth him and his heires to warranty, & hath issue a son & dyeth, & the warranty descendeth to his sonne, that is lineal warranty, for that that if no deed with warranty had bene made, then the right of the lander should haue descended to the sonne as heir to his father, and he shal continue the descent from the father to the sonne. But if hee cometh in the taile, he continues the taile, and hath

en value vers cestuy que fist le Garrantie. Mes cest briefe couient estre vse pendaut le primer briefe vers luy, ou autrement il ad perde son aduantage.

Auxy sur Garrantie en Ley, come sur homage conceitrel, ou sur Rent reservee sur Lease a terme de vie, ou done en le Taile, home auera briefe de Garrantie de Charters, mes nemy sur Escuage.

Garrant e.

Garrantie est en trois manners, s. Garrantie Lineal, & Garrantie Collateral, & que commence per disseisin.

Garrantie Lineal est l'ou home seisie & fee, ou en taile, fait feoffement per son fait a un autre, & oblige luy & ses heires a Garrantie, & ad issue fitz & mort, & le Garrantie descend a son fitz, ceo est Lineal Garrantie, pur ceo que si nul fait oue garrantie vist este fait, donques le droit des Terres descendroit al fitz come Heyre a son Pere, & il conueyroit le descens de le Pere a le fitz. Mes si Tenaunt en le Taile discontinua le Taile, & ad issue

The Exposition of

Issue & deuie, & le Vncle
del Issue releffa al disconti-
nuitie oue Garrantie, &c. &
morust sauns Issue, ceo est
Collateral Garrantie al Is-
sue en le Taile, pure co q
le Garrantie descend sur
le Issue, le quel ne poyt
sey conueyer a le Taile per
le meane de son Vncle Et
en cheueun case lou Home
demanoda Terres en Fee
Taile per Brieft de For-
medon, si aucun Aunce-
stor del Issue en le Taile
que auoit possession, ou
que nauoit possession, fait
vn Garrantie, & cestuy que
fut le Brieft de Formedon,
pou per possibilitie per
matur que puiffloit este fa-
it, puiffloit conueyer a luy
Taile per force del done per
ce luy que fist le Garranty,
&c. ceo est donques vn li-
neal Garrantie, & pertiel
Lineal garrantie, le Issue
en le Taile ne sera barre,
sinon que il ad assens a
luy descendus en Fee sim-
ple: Mes si il n'a poie per
nul possibilitie que poyt
este, conuey a luy Taile
per force del done per ce
luy que fist le Garranty,
donques ceo est vn Colla-
teral Garrantie & pertiel
Collateral Garrantie, le Is-
sue en le Taile sera barre

Issue and deuey, and the
Uncle of the Issue releas-
eth to the Discontinues
with Warrantie, &c. and
deuey without Issue, this is
a Collateral Warrantie to
the Issue in the Taile, for
that the Warrantie dis-
cendeth upon the Issue, the
which may not conuey him
to the Taile by meane of his
Uncle. And in every case
where a man demandeth
Land in Fee Taile by
Writ of Formedon, if any an-
cestor of the Issue in the taile
which hath possession, or
which hath not possession,
maketh a Warrantie, and
he that maketh the writ of
Formedon, may by possi-
bilitie by matter that may
be done, might conuey to
him title by force of the gift
by him that made the Warran-
tie, &c. that is then a li-
neall Warrantie, and by
such a lineall Warrantie,
the Issue in the Taile shall
not be barre, except that
he haue assens to him dis-
cendeth: But if hee may
not by any possibilitie that
may becoming to him title
by force of the gift by him
that maketh the Warrantie,
the Issue in the Taile shall be
barred, and by such a colla-
terall Warrantie, the Issue
in the Taile shall be barre
without

but the Heir may well
enter notwithstanding his
warranty, for that this
warranty begins by dis-
seisin when the father made
the feoffment, which was
a disseisin to the son. And
as it is layd of the father
so it may be layd of euery
other Ancestour. And the
same Law is, if the ances-
tour be Tenant by Elegit, or
by Statute merchant, and
make a feffment with war-
ranty, such warranties shal
bee no barres, because they
begin by disseisin. Et quod
garrantie est quando quis
immediatam garrantie facit
pro aliquo.

Garrantie.

Garrantie is when one
is bound to another
which hath land, to war-
rant the land to him, which
may beginne two waies,
1. by Words of Law: As
if one's his ancestours hath
had land of another and
his ancestours take out of
him by homage, which
is called homage: and
2. by Words of the
Court which graunteth by
word of his father: And thus
it is bound to warrant to
him. And which warrant
that the tenant has imple-
adeth him to his right in
warranty, as his heirs, the
Court shal barre the

meq le firz bien poit entre-
nient obstant cel garrantie,
pur ceo que cest garrantie
commence par disseisin,
quand le pere fist la feoffe-
ment, que fuit un disseisin
al firz. Et come cest dit de
pere, issint poit estre dit de
chescun autre Ancestour.
Et mesme le Ley est si l'an-
cestour soit Tenant per E-
legit, ou per Statute Mer-
chant, & fait aucun feoffe-
ment oue Garrantie, tiels
Garranties ne seront bar-
res, pur ceo que ils commencent
par disseisin.

Garrantie.

Garrantie est quando vn
est lie al autre que ad
Terre, le garrant le Terre
a luy, le quel poit com-
mence per deux maneres,
celle par acte del ley & celle
si vn & ses ancestours ont
tenus terre del autre, & ses
ancestours per temps dont
ne moient court per Ho-
mage, que est appellé Ho-
mage ancestral: ou per
acte del partie que graunt
per fait ou fine al Tenant
del Terre de Garrant: ceo
luy. Sur quel Garrantie si
le Tenant soit impleade
par luy que doit garrant, ou ses
heires, le Tenant barra le

De 1 demant.

demandant per pleader del Garrantie vers luy, que est appel *Rebuter*: Ou si soit emplede per auter en action, en que il soit vouch, il vouchera celly que Garrant, ou ses heires, & si le plaignif recover, le tenant recovera en value vers le vouchor.

Gard.

Gard est quant vn enfant quel auncetour tient per Service de Chivalrie, est en le gard & custodie de le Seignieur de que ils fueront tenus. Et si le Tenaunt tient de diuers Seignours diuers Terres, celuy Seignour de que il tient per priorite, cestascavoir, per le plus auncient tenure, auera le garde del Enfant: Mes si vn tenure soit aux auncient que le auter, donques celuy que primes happa le garde de le corps, gardera ceo: Mes en ceo cas, chescun Seignour auera le garde del Terre que est tenue de luy. Mes si le tenaunt tient ascun Terre del Roy en chiefe, donques le roy per son prerogative auera le garde del corps, &

demandant by pleading of the warrantie against him, which is called *Rebuter*: Or if he be employed by another in an action, wherein he may vouch, he shall vouch him: which warrantied, or his heires, and if the plaintiffe recover, the tenant shall recover in value against the vouchor.

Gard.

Gard is when an infant whose auncetour held by knight's service, is in the ward or keeping of the Lord of whose those Landes were holden. And if the Tenaunt holde of diuers Lordes diuers Landes, the Lord of whose the Land is holden by priorite, that is to say, by the more auncient tenure, shall haue the wardship of the infant: But if one tenure be more auncient than the other, then he that first happeneth to haue the wards of the body, shall keepe it: But in that case, every Lord shall haue the wards of the Lande that is holden of him. But if the Tenaunt hold any Land of the King in chiefe, then hee by his prerogative shall haue the ward of the body, and

of

of all the land that is holden
of him & of every other lord.

Also there bee diuers
kinds of ward, one is a ward
of knight of sword, & that is
where the tenant dyeth,
his heire within age, and a
stranger enters into the land
& happeneth to have the ward
of the bodie of the infant.

A ward of Eielement of
ward lieth where a man is
put out of the ward of the
land without the bodie of
the Infant.

A ward of an enshment of
ward lieth where the body
is taken from him only, and
not the land.

Wardeine.

Wardein or gardein most
properly is he that hath
the wardship of keeping of
an heire of his land holden
by knightes service, or of one
of them to his own heire, dur-
ing the nonage of the heire,
& within that time hath the
bestowing of the body of the
heire in marriage at his plea-
sure, without dispensation.

And of Wardeines there
be two sorts, namely Gar-
deine in right, and gardeine
in deed.

de tout le fre & est ten^r d' luy
& de chesc' au^r S^rfr.

Auxy sont diuers Briefs de
Garde, vn est Briefe de Droyt
de Gard, & gist lou le tenant
deuie, son heyre deins age, &
vn estrange entra en l' terre,
& happe le gard le corps de
Enfant.

Briefe de Eielement de
gard gist lou h^oe est ouste d'
la gard de fre, sans le corps d'
le enfant.

Briefe de Rauishment de
gard gist lou le corps e prise
de luy solement, & nient le
Terre.

Gardeine.

Wardein ou Gardein plus
properment est celoy
que ad le gard ou custodie
d'un heyre & de son terre te-
nus per seruite de Chivalry,
ou de vn de eux, a son vs de-
meine, durant le nonage del
heire, & deins cest temps ad
le bestowing del corps del h^o
e mariage a son vol sans dis-
paragement.

Et de Gardeynes il y ad
deux sortz, a s^rmeint Gardein
en Droyt, & Gardeyne en
Fait.

Garnishment est sicorne
in Action de Detraire
des Charters est port. vers

Garnishment is the arrest
of Debtors of Chas-
ter has brought against
0118.

one, & the defendant, then the
Charters were returned to
him by the plaintife, and by
another upon certaine Con-
ditions. & wherby that the
other may be warranted to
plead with the plaintife, &
the conditions be performed
or no, and the defendant is
of Seins facias shall god safely
against him, & that is called
garnishment, & the other wher-
by he comes that pleads with the
plaintife is called counterpleader,
which is called: al nuntium
dum comes in nuntius de muni-
cipio. **Gaucler.**

Gaucler is a speciall and
antient kind of Cession;
used in Kent to the effect
that of Gauclerkind continu-
eth, wherby the tenant that
holdeth his Lande of some
rents to the Lord of whom
they are holden, if hee with-
draws from his Lande his due
rents & seruices, after this
manner hee followeth:

If any tenant of Gaucler-
kind withholds his rent and
his seruices of the time when
he holdeth of his lord, let the
Lord take by open Court of
his Court from then forth
consequenter, & the Lord
shall distress upon the

vi. de le defendant dit; Que
les Charters fueront deliuees
a luy per le plaintife & p vi
sours sur certaine condicions,
& p ce que le tenant soit gar-
anti de pleader oue l'plaintif,
si les condicions sont perim-
ples & nent; & sur ces pa-
rours de Seins facias. **Gaucler**
veit luy, & de cest appel Gar-
nishment, & d'auter quant il
viens clain pleader oue le
Plaintife, & de cest appel en-
counterpleader.

Gauclate.

Gauclate est vn speciall &
antient kind de Cession;
vse en Kent lou le custum de
Gauclerkind continue, p quel
le tenant forceira ses tres &
tenements al Seignior de que
ils sont tenus, si le deteine de
son seignior ses due rents &
seruices, selonque cest man-
que ensuiuit:

Si ascun Tenanten Gaucler-
kind retaine sa rent, & ses
seruices de le tenement que
il tient de son Seignior, q'te
le Seignior pur agarde de
sa Court, de trois semaines
en trois semaines, de tro-
uer Distresse sur cel Te-
nement

sement iels; a la quart court,
a tous soyts per Testi-
moignes.

Et si deins cel temps ne
trouue distresse en cel tenement,
par lequel il puisse son tenat
justifier, donques a la quart
Court soit agarde. Que il
preigne cel Tenement en sa
maine, en noine de Dis-
tresse, auxy come fuit boefe
ou Vache, & le pient vn an
& vn iour en sa maine, sans
maine-ouetter, deins quel
terme si le Tenant vient, &
rende ses arrerages & fait
raisonnable amends de la de-
teygner, adonceyt & enioy
son Tenement, sicome les
Auncellours & luy auant
tiendront. Et si ne vient de-
uant le an & le iour passe,
doe ayage l'Sir al prochein
Countie Court, suyant
que testmoignes de la court,
& face la pronouner cel
processe pur testmoinage au,
& per agard de la Court (ap-
pres ceo Countie tenus) en
& meynouera en cels terres,
& tenements, sicome en son
demesne.

Et si le Tenaunt vient
apres, & voyle reauer
ses tenements, & tener si-
come il fist deuant, face

newen. Justill the fourth
Court, allwayes with wit-
nesses.

And if he find him that time
he can find no distress in that
tenement, whereby hee may
have justice of his Tenant,
then at the fourth court let
it be awarded, that hee shall
take that tenement into his
hand, in name of a distresse,
as if it were an ox or cow,
and let him have it a year &
a day in his hand, without
manuring it: within which
term if the tenant come and
pay his arrerages, & make
reasonable amends for the
withholding, then let him
have and enjoy his Tenet-
ment as his ancestors: & hee
before he do it: & if he do not
come before the year and day
past, then let the Lord go to
the next County court with
his witnesses of his owne
Court, and pronouner there
this process to have further
writen, & by the award
of his court (after the countie
Court holden) hee shall
enter and manure in those
lands and tenements as in
his owne.

And if the tenant come af-
terwards, and vowe to reauoir
his tenements, and tener them
as hee did before, hee shall
make

make
Lord
tient
De
thing
since
let he
ere be
ex he
10. H
e bar
Lords
Sene
much
pole,
Gavel
the la
the ten
c. 21. &
Th
which
thus
Nyl
gelde.
Nig
sith gel
But
signific
hane it
Nigo
gondlie
Cha
s. times
repay.

make agreement with the
Lord, according as it is an-
ciently said,

Hath hee not since any
 thing given, nor hath hee not
 since any thing asked, then
 let him pay 2. l. for his work,
 ere before he becomes tennant
 of his house againe, & hereof
 10. H. 3. Fitz. Cessavit 60.
 6 Bar. 10. 2. l. of Cessavit in
 London, in the Collection of
 Sports, London 2. matter
 much tending to this pur-
 pose, that by this second
 Gaveler the Lord shall have
 the land for the ceasing of
 the tenant. And in West. s.
 C. 21. Which anoth Cessavit.

There be some Copies
which have the first Verse
thus written:

Nysith yelde, and nysith
gelde.

And others thus:
Nighesith yeld, & nighesith
gelde.

But these differ not in
signification: other Copies
have it after this sort:

Nigondfithfeld, and Nigondfithgeldaga qdla qdla

That is to say, let him
s. times pay, and 9. times
repay.

gree al Seignieur, si-
come il est auintement
dit.

Neghe sith selde, & neghe
sith gelde, & v. li. for the
were, er hee become healede.
Vide de ceo, 10. *Henric. 3.*
Fitzherbert, Cessavit 60. &
Statute 10. *Edward. 2.* de
Gaucler in London, en le
Collection del Statutes, Lon-
don 2. matter tendant, mult
a cel purpose, que per cel pa-
rol *Gaucler*, le Seignieur a-
ura le Terre puz cesser le
Tenaunt. Et veyes *Westma-*
nast. 2. cap. 31. que done
Cessavit.

Il y a des uns Copies que
ad le premier versé issint e-
script :

Nisich yelde, and nisich
gelde.

Et auters issint :
Nighesith yeld & nigh-
sith geld.

Mes ceux ne differ en signification: autres copies ont ceo selonque cest sort:

Nigondsih seld, & Nigondsih geld.

Ceſſaffadoir, payera il no-
uies foites, & nouies foites
renay.

The Exposition of

Gauelkind.

Gauelkind est vn custome annexe, & courant oue terres en Kent, appel Gauelkind-terres, tenues en ancien Socager tenure. Et est pensee par les erudite & Antiquites, de se appel Gauelkind de Gine al Kinne, cest adire, a tous les kinne en vn Line, accordant come est vse entre les Germans, de que nous Anglois, & especialment de Kent, venimus. Ou est appel Gauelkinde de Gine al Kinde, cest adire, a tous les males, car Kind en Dutch signifie vn Male. Et diuers autres semblables coniectures sont faictes par eux, de le nomme Gauelkind, le quel ico omit de purpote par breuitie.

Les playes vsuals customes de eux sont, Que le, Terre est diuidable entre les heires Males, & que le Heire al age de xv. ans soit donne & vendra la Terre & sera enherite coment son pere soit attain, & pendue par Felonie, & la feme sera endowe del demie del Terre dont son baron de uie seisse, & le Baron sera Tenant par le Courtie

Gauelkind.

Gauelkind is a custome annexed & going with lands in Kent, called Gauelkind lands, holden by antient socage tenure. And is thought by the skillful in Antiquities, to be called Gauelkind of Gine al kin, that is to say, to all the kinnes in one line according as it is used among the Germans, from whom we Englishmen, chiefly of Kent, come. Whiche is called Gauelkinde of Gine al kin, that is, to all the Male Children, for kind in Dutch signifieth a male child. And diuers other like coniectures are made by them, of this name Gauelkind, which I omit of purpose for breuities sake.

The most vsual Customes of them are, that the land is diuidable betwix the heires male, and that the heire of the age of xvj. yeares may give & sell his land, and shall inherite, although his father be attained and hanged for felonie, and his wife shall be endowd of half the land wherof her husband died seised, and the husband shall be tenant by the courtie

of

of the half, although he haue
no issue by his wife, but the
estate of the husband & wife
ceaseth by their two marri-
age. And diuers other Cu-
stomes are prescribed in this, of
the lands in Gascoigne, for
which see the Preambulati-
on of Kent, made by Master
Lambert: for which cause
the reason I will omit, as
unnecessary for this Booke:
and intreated of largely in
the said Preambulati-
on.

Gawgeour.

Gawgeour is an officer of
the King, appointed to
search all Tunnes, Hogs-
heads, Pipes, Barrels, and
Cortianes of Wine, Oyle,
Honey, Butter, and to give
them a mark of allowance
before they be sold in any
place. And because this
mark is a circle made with
an yron instrument for that
purpose, it seemeth that he
takech his name thence.
Of this officer there hath bin
made many Statutes, the
first whereof is anno 27. E. 3.

del demie, coment ne auoyt
issue per la feme: mes le state
del Baron & femme cease per
leur second mariage. Et di-
uers autres customes sont v-
ses en Kent de terres en Ga-
uelkind, par queux veyes le
Preambulati-
on de Kent, par Monsieur Lambert: par
quel cause le seigneur ieo roille
omit come impertinent a cel
lieue, & entreat amplement de
le die Preambulati-
on.

Gawgeour.

Gawgeour est un Officer
del Roy designe de scar-
cher tous Tunnes, Hogges-
heads, Pipes, Barrels, & Ter-
tians de Vin, Oyle, Honey,
Butter, & a don euz un note
de allowance deuant ils sont
vendus en aucun lieu. Et par
ceo que cest marke est un cir-
cle fait oue un instrument
de ferre pur cel purpose, il
semble que il prist son nomme
de ceo. De cest Office la ad
estre fait plusieurs Statutes, le
primer de que est, anno 27. E. 3.
cap. 2.

Gild.

The Exposition of

Gild.

Gild ad diuers significati-
ons, come ascun foyts vn
tribute, auter foyts vn amer-
ciament, tiercement, vn fra-
ternitie ou companie com-
bine ensemble per orders &
leyes fait inter eux mesmes
per le Congee le Roy. Mon-
sieur *Cambden* cita plusieurs
antiquities, per que il appiert
de signifier vn tribute ou tax,
come pag. 135. 139. 159.
168. 178. Monsieur *Cromp-*
ton en ses *Iurisdictiones*, fol.
191. monstre ceo destre vn
Amerciament, come Foot-
geld: & fol. 197. il interpret
ceo destre vn prestatiō deins
le forest, en ceux parols, De-
stre quit de tous maners de
pstations destre fait p le pri-
ure de garbes de corne, & iu-
uene barbits, & d lane al vse
des foresters.

Auxy Monsieur *Cambden*
pag. 149. diuidant *Suffolke*
en troys parts, appel le pri-
mer *Gildable*, pur ceo que
tribute est de ceo collect. Et
les Statutes, Anno 27. Ed-
ward. 3. Stat. 2. cap. 13. &
anno 11. Henr. 7. capitulo 9.

Gild.

Gild hath diuers significa-
tions, as sometimes a
tribute, other times an A-
merciament, tierce, a fra-
ternitie of companie, combi-
ned together by orders and
lawes made amongst them-
selues by the Kings licence.
M^r *Cambden* citeth
many Antiquities whereby
it appeareth to signifie a tri-
bute or tax, as pag. 135.
139. 159. 168. 178. M^r *Cromp-*
ton in his *Iurisdic-*
tiōs, fol. 191. sheweth it to be
a prestatiō within the for-
est, in these wordes, To be
quit of all manner of Geldes
is to be discharged of all
manner of prestations to be
made for gathering of sheues
of corne, of lambe, and of
swell, to the vse of the for-
esters.

M^r *Camb.* pag. 149.
diuiding *Suffolke* into
thre parts, collect the first,
Gildable, because tribute
is thence gathered. And the
Statute Anno 27. Ed-
ward. 3. Statute 2. ca. 13.
and Anno 11. H. 7. cap. 9.
vñ

the gildable in the same
sence, & in the Statute
Anno 27. Hen 8. cap. 26.
from this Statute Lam-
bert, in the words Con-
tubernalis is persuaded
that the common word
Gild or Gildhal pro-
ceedeth, being a fra-
ternitie of Communi-
tie of men gathered
in one combination, sup-
porting their common
charge by a mutual con-
tribution. And in the Re-
gister Orig. fol. 219. there
is Gildam Mercatorum.
Which seemeth to be a cer-
taine libertie or privilege
appertaining to Mer-
chants, whereby they are
enabled to hold certaine
Pleas of Land within their
own precincts. This
word Gild or Gildhal is
used, Anno 27. Edward
3. Cap. 51. and Anno
15. Rich 2. Cap. 5.
The Guildhalls Testa-
mentum is also the
fraternitie of Eaderling
Merchants in London
called the Guildhall, An-
no 12. Hen 8. Cap. 8.
See Coke Lib. 2. fol.
125. and the following

vfont gildable en mesme
le sence & issint le sta-
tute Anno 27. Henr. 8.
capitulo 26. de ceo Mon-
fuer Lambert verba Con-
tubernalis est persuade
que le common parol
Gild ou Gildhal pro-
ceeda, effertunt vn fra-
ternitie ou Communal-
tie de homes agrega-
ted en vn combina-
tion supportant leur com-
mon charge per vn mu-
tual contribution. Et en
le Register Orig. fol. 219. il
la est Gildam Mercatorum
que semble desirer vn cer-
taine libertie ou privi-
ledge appertinent al Mer-
chants, per que ils sont
enhabile de tener certai-
nes Pices de Terre deins leur
precincts demesne. Cest
parol Gild ou Gildhal
est issint vsc, Anno 27. Edm
3. cap. 51. & Anno 15. R.
2. cap. 5. Et Guildhalla Testa-
mentum est vie par la
fraternitie de Eaderling
Merchants en London
appel le Stile-yard An-
no 22. Henrie 8. Capitulo
8. Vnde Coke lib. 2. fol.
125. la quelle est une
fraternitie de Eaderling
Merchants en London
appel le Stile-yard An-
no 22. Henrie 8. Capitulo
8. Vnde Coke lib. 2. fol.
125. et la suivante

Grand.

The Exposition of

Grand Cape

Grand Cape, Veies de
ceo apresenle Fink Petit
dispositio

Grand Sericantie

Grand Sericantie est lou
en homent de roy, cer
taine Terres per le service de
porter son bann ou saurce,
ou amefner son hoste, ou
desire son carue ou butler
a son Coroument, & siels
semblables, & ceo est la
plois digne, que le, enaunt
pour faire, & pur ceo est
appel Grand Sericantie. Mes
petit Sericantie est quant un
fient de Roy tendant a luy
annualment un alke, a co
rent, valance, & siel sem
ble, & ceo n'est forsque lo
cage en effect, mes home ne
pout tener en Grand Seric
antie ne per Petit Sericantie,
si non de Roy. Auxy il
Remant per Grand Sericantie
mourut son heyre esteant
de pleine age, le heyre pay
et al Roy pur releefe, le
value des Terres ouster les
charges que il pay al Roy
per Grand sericantie: Mes
cestuy que tient per Es
coage payera pur son releefe
forsque C.s.

Grand Cape

Grand Cape, look this
-nd foye attou in the title Pe
in Capue

Grand Sericantie

Grand Sericantie, is where
a man holdeth of the
king certain land by the
service of carrying his ban
ner or lance, or of leading
his host, or of being his sen
ter, or butler at his Corou
nation, and that is the most
honourable service, and most
worthynge a servant may
doe, and for that is called
Grand Sericantie. But
petit sericantie is when one
holdeth of the king, pay
ing to him yearly a Wote,
a sword, a spear, and such
like, and that is but a ser
cage in effect, but a man
cannot hold in Grand ser
icantie, by petit sericantie,
if he be not of the king. Also
a man may hold in Grand
sericantie, his heire being of
full age, the heire shall pay to the
king for releefe the value of
the land over the charges
that he payeth to the king by
grand sericantie: but he that
holdeth by Escuage shall
pay for his releefe but
C.s.

Also

Also those that bee in the
Marches of Scotland,
that holde of the King by
Cornaige, that is, as blode
antient when the Scots
went into England, are
Tenants in grand Serie-
antie.

Also where a man hol-
deth of the King for to finde
a man in his warren with-
in the Realme that is cal-
led graund Serieantie, for
that a that is in done by a
disme buye. And the Te-
nant cannot send a man to
warre, nor he is bound to
doe it himselfe. And he is to
be in the King's service, and the
King shall have ward, mar-
riage, and reliefe, but not of
them that hold by petty Se-
riente: but the King shall
not have of them that hold
by graund Serieantie. Es-
cuage, except that they hold
by Escuage. And they that
hold by graund Serieantie,
and they that hold by Escuage,
shall be bound to the King
in ward, marriage, and
reliefe.

Aux ceux que sont en le
Marches de Scotland, que
tient del Roy per Cornage,
cest est, par ventiler vn cor,
nuquaut les Scots entrent
en Angleterre, sont Te-
nants per grand Serie-
antie.

Aux ou vn home tiens
de l Roy pur trouer vn home
en la guerre deins le Realm,
cest est dit graund Seriean-
tie, par ceo que il est faire
per corps d'un home. Et si
le Tenant ne poit trouer
home de faire ceo, donques
il est tenu de faire ceo lui
mesme.

Et il que tient per grand-
serieantie tient per service
de Chivalier. Et le Roy au-
ra gard, mariage, & reliefe,
mes nemy de ceux que tienc
per petite Serieantie, mes le
Roy n'aura de eux que ti-
ent per graund Serieantie,
Escuage, si non que ils ti-
ent per Escuage. Il n'ont ceux q
tient per graund Serieantie
ou Escuage tient per service
de Chivalier. Mes vn poit
tenir per graund Serieantie,
& nemy per Escuage,
& per Escuage, & nemy per
graund Serieantie. Et le ser-
vice de Chivalier touts fous
trayt a luy gard, mariage, &
reliefe.

Grithbred

Gritbreach.

Griſsbreach, hoc eſt, pax
in Domini Regis fracta,
quia (Griſh) Anglice, Pax
Latine dicitur.

Habeas corpus

Habeas corpus

Habemus corpus est un brie
le quel home endue de
ascun trespasse deuant iustices
del peace, ou en vn court
de ascun Franchise, & sur
son prison esteeuant giste en
prison pur mesme, poit auer
hors del banke le roy per
e de amener luy mesme la
a les collidementz, & de re
sponder la cause icy, *F.N.B.*
fol. 250. b. Et le ordenen ceo
cuse est, primerement de pro
cuer vn *Cauciorari* hors del
Chancellerie, ditz al ditz ius
tices, pur le remouuer del
chastement en le banke le
Roy, & sur ceo de procurer
ce brie al *Vikouars* de
chauser son corps de luy amener
al vn iour, *Re. 30. fol. 31.* Si
ou vous poies trouer plusieurs
cuses queux cest brie en ser
raue.

Habeas corpora est vn
Briefe que gist quaut vn

Grüthbreich.

Grithbreach, that is, the things peace broken, because (Grith) in English is Past-tense.

Habeas corpus.

[illegible]

Habeas corpora, which
signify which lyeth when a

June
tenth
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 nature
 which
 millan
 does u
 fol. 53.

Jurie of any of them re-
fute to come upon the Ve-
nire facias, for the tryall
of a cause brought to issue.

Jurie ou aucuns de ceux tefu-
font de venir sur le Venire
facias pur le trial d'un mei-
stre port al issue.

Habendum.

Habendum.

Habendum is a word of
forme in a deed of Con-
veyance, to the true under-
standing whereof, it is to
be observed, That in every
Deed of conveyance there
bee two principall parts,
the Premises, and the Ha-
bendum.

Habendum est vn parol de
forme, en vn fait de con-
veyance, al voyer intelli-
gence de que est destre ob-
serue, Que en chescun fait
de conveyance la sont deux
principal parts, le Premisses,
& le Habendum.

The Office of the Pre-
misses, is to expresse the
name of the Grauntor, the
Grantee, and the thing to
be granted: the office of the
Habendum, is to limit the
estate, so that the general
implication of the estate
which by construction of law
passeth in the Premises, is
by the Habendum control-
led and qualified: As in a
Lease to two men, Haben-
dum to the one for life, the
remainder to the other for
life, altereth the general
implication of the tenen-
tance in the Feoffment
which passeth by the Pre-
misses if the Habendum
were not, See Coke, lib. 2.
fol. 55.

Le Office des Premisses
est d'exprimer le nomme del
Grauntor, le Grantee, &
le chose destre grauntus:
Le Office del Habendum, est
de limiter le estate, issint
que le general implication
del estate que per constructiō
de Ley passa en les Premis-
ses, est per le Habendum
controlle & qualifie: Si-
come en vn lease a deux
hommes, Habendum a l'un
pur vie le remainder al au-
tre pur vie, alter le general
implication del ioint ten-
tance en le Franketement
que passera per les Premis-
ses si le Habendum ad-
este omis, Vies Coke, lib. 2.
fol. 55.

The Exposition of

Habere facias seisinam.

HAbere facias seisinam est vn Briefe Iudicial, & gist lou vn ad recouer certaine Terres en Court le Roy, donques il auera cest Briefe direct al Viscount, luy commandaunt de done a luy seisin del terre, & ne serra retournable.

Handgun.

HAndgun est vn engine que est prohibire destre vse & emporr, per le Statute de 33. H.8. cap. 6. Et coment que vn Dagge sunt enuent de tardise temps, & puis le fesans del dit Act, & nest conus per le nosme de Handgun, mes per vn especial nosme, vncore le carrying de vn Dagge est deins le dit Act, & comprehend deins le parol Handgun. Il sint ou Crosse-bowes, sont prohibite per le dit Act, per ceo Stone-bowes sont auxy prohibite. Veies Coke, lib. 5. fol. 71. 72.

Habere facias seisinam.

HAbere facias seisinam is a writ Iudicial, and it lyeth where one hath recovered certaine Lands in the Kings Court, then he shall haue that writ directed to the Sheriffe, commanding him to giue him seisin of that Land, and it shal not be retournable.

Handgun.

HAndgun is an engine which is prohibited to be vsed and carried about, by the Statute of 33. H.8. cap. 6. And although that a Dagge was inuented of late time, and after the making of the sayd Act, and is not knowne by the name of Handgun, but by a speciall name, yet the carrying of a Dagge is within the sayd Act, and comprehend within the word Handgun. For whereas Crossebowes are defended by the sayd Act, by this, Stonebowes are also forbidden. See Coke, lib. 5. fol. 71. 72.

Hangwit.

HAngwit; that is, to be quit of a Thiefe or felon hanged without iudgement, or escaped out of your custody.

Hangwit.

HAngwit, hoc est, quietum esse de latron suspensio sine iudicio; vel exitu custodia vestram causa.

Hariot.

Hariot is in two sortes, the one Hariot custome, the other Hariot service.

Hariot Service (thus say) is often expressed in a man's graunt or deed, that hee holdeth by such service to pay Hariot at the time of his death. And this Hariot is payable after the death of the Tenaunt in full simple.

Hariot custome, is where Hariots haue beene payde time out of mind by custom. And this may be after the death of tenants for life, &c. But to speake thereof generally:

Hariot is the best beast (whether it bee Oxen, or Cow) that the Tenant had at the time of his death. And the Lord may either seise, or take a distresse for it, whether it bee Hariot service, or Hariot custome, to the Lord's use of whom the tenant held, by his day:

Hariot.

Hariot est en deux sortes, l'un Hariot custome, le autre Hariot service.

Hariot Service (Cascuns dient) est mult fois expresse, en le graunt l'un home ou en son fait, que il tient per tiel service pur payer Hariot al temps de son mort. Et cest Hariot est payable apres le mort de le Tenaunt en fee simple.

Hariot custome, est lou Hariots ont este paies temps hors de memory pur custome. Et ceo poit estre apres le mort del tenaunt pur vie &c. Mes a parler de ceo generalment:

Hariot este meliour beast (soit il Chival, Boeuf, ou Vache) q le tenant ad al tēps de son mort. Et le Seignior poit seisie, ou prendre vn distres p'c', soit il Hariot service, ou Hariot custome, al use del Seignior de que le tenaunt tient per son Bay-

E e z life/

The Exposition of

life, ou autres officers de son manoir. Mes de droit le seigneur ne son Officer ne doit prendre Hariot deuant que il soit present al prochain Court tenu apres le Tenant est mort, & quel beast est due al Seignior pur son Hariot.

life, or other Officer belonging to his Manor. But of right the Lord nor his Officer should not take Hariot, before it be presented at the next Court holden after the tenant is dead, and that such a beast is due to the Lord for his Hariot.

Haward.

Haward ou **Hayward** est vn Officer designé en chescun Ville destre le common heard del Ville, & semblable que il est issint appel, ou pur ceo que vn part de son Office est pur garder le hayes de Terres enclose, issint que ils ne soient croppé ne enfringe, ou pur ceo que il garde le grasse del parde & destruction de auers, issint que Hay soit estre fait de ceo. Il est vn Officer iustus en le Court del Seignior, pur que seurement *Veies Kitchin, fol. 46.*

Haward or **Hayward** is an Officer appointed in euerie Towne to bee the common heard of the town, and it seemeth that hee is so called, eyther for that it is one part of his Office to keepe the hedges of inclosed groundes, so that they be not cropped nor broken downe, or because that hee keepeth the grasse from the hurt and destruction of Cattell, so that Hay may be made thereof. He is an Officer iustus in the Lords Court: *See Kitch. fol. 46.*

Haybote, ou Hedgebote.

Haybote, ou **Hedgebote** est necessaie stuffe pur faire & amends Haies, que Lessee pur an, ou pur vie, de common droit doit

Haybote, or Hedgebote.

Haybote, or **Hedgebote** is necessaie stuffe to make and amend hedges, which the Lessee for years, or for life, of common right may

take
lease
mess
chou
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ble in
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rather
such t
monly
wood,
laxo th
cut & e
Hare
H. Ere
who is
is, who
since
shop, & h
terward
or into
thereup
secular p
and
lath, &
Laws, &
Should f
corne &
also thos

take by the ground to him
leased, although it be not ex-
pressed in his lease; and al-
though it be a lease by word
without writing.

Haybote also may be take
for necessarie stufes to make
rakes, forks, & such like in-
struments, wherswith men
ble in Sommer to reede &
make hay. And so a lessee for
yeres take it, & it was al-
lowed him by his lessor the
rather as I suppose, for that
such instruments are com-
monly made of fléther under
wood, which by the common
law the lessee for yeres may
cut & take as is aforesayd.

Hæretico comburendo.

Hæretico comburendo is a
writ, & lieth against him
who is an heretike, that
is, who having bin once con-
vinced of heresie by the bi-
shop, & having abiured it, af-
terward fall into it againe,
or into some other, and is
thereupon committed to the
secular power.

And Britton, lib. 1. cap. 17.
saith, That by the Common
Law, those persons which
should formerly burne the
heresies & benefactors of others, &
also those which were shop-

prender shal be a luy lessee,
niene obstant il ne soyent
presse en son lease, & niene
obstant q'il soit vn lease per
parols sans escript.

Haybote auxy poyt estre
prise p' necessarie stufte pur
faire Rakes, Forkes, & vng
sembl' instruments, oue q'ux
hōes vfont & Somm p' reeder
& faire seine. Et assint vn
lessee p' ans prist c', & fait a
lay allow p' son lessor playe
toit come ceo suppose, p' ceo
que tiels instrumts fait de
fléther subbois, q' ple commū
ley le lessee pur ans poit fue-
cider & prender, come est a-
uordit.

Hæretico comburendo.

Hæretico comburendo est vn
brieffe, & gist vers luy
que est vn heretique, c'est est
q'be ayant estre vn fois con-
vince de heresie p' le Biscop
& ayant c' abiure, puis en c'
relapse arere, ou en asc' auſ,
& est fax ceo commise al lay
poyar.

Et Britton, lib. 1. cap.
17. dit, Que per le Common
Ley ceux persons queux fe-
loniquement arseront anter
bles ou anter meafons, &
auxy ceux queux sont Sor-

The Exposition of

ciens & forcirelles, & Sodomies, & heretickes scrount
auxy combures & arses.

ceres & lasciozesses, & sodomitical persons; & hereticks, should be burnt & consumed.

Hidage.

Hidage.

Hidage, Hoc est, quicquid est
si Dominus Rex talliauit
totam terram per hidas.

Hidage, that is, to be quit
if the King shall take all
the land by hidas.

Nota, Que vn hide de l'ere
est un entire Plough-Land.
Et cest kind de taxing per
hides fuit mult vsc en voyel
temps, cybien par passion
de Amour, come paymens
de Argent, &c. principalint
en la iours del roy Etheldred
(vn roy en cest pais deuant
le Conquest) q en le an de
Christ 1006. qnt les Danes
pristrent l'ere al Sandwiche en
Kent, tax tout son er p hides
en cest man, Que chescun 3 10.
hide de l'ere doyent trouer vn
niese furnish, & chescun 8.
hides doyent trouer vn lacke
& vn fallet p le defence del
Realme.

Nota, That a hide of land
is a whole plough-land: And
this kind of taxing by hides
was much vsc in old time
as wel for prouision of Tre-
mory, as paymētts of money,
and that chertey is King
Etheldred's Wapen (a King in
this Countre before the
Conquest) who in the yere
of Christ 1006. when as
the Danes landed at Sand-
wiche in Kent, taxed all his
land by hides thus, That
every 3 10. hides of land
should find one Ship furni-
shed, & every 8. hides should
find one Ancor and one
saddle, for the defence of the
Realme.

Hogbenhine.

Hoghenhine.

Hogbenhine est celuy que
vient a vn meillon en le
guise d'un Gheff, & la re-
pose le tierce nuit, puis
quel temps il est accompi
vn de son Familie en que

Hoghenhine is he who
commeth to his house in
a house, and there he rest
thirde night, after which
time hee is accompiſhed
of his Familie, in which
house

hon
the B
be an
li 3. cr
of B
Lamb
bine,
more

Ho
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HOrch
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tition
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lised of
see an
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one of
man the
acres of
frankm
of the oc
How is

house he lieth, & if he offend
the K. peace his host must
be answerable for him, Bra.
li. 3. tra. 2. c. 10. In the law
of King Ed. see forth by W.
Lamb. hee is called Agen-
tine, where you may reade
more of this matter.

meason il reposa, & offend le
peace le Roy, son host coui-
de respondre p luy, *Bract. li. 3.*
traff. 2. cap. 10. En les leys de
Roy Edward, edite p Mon-
sieur Lambert, il est appellé A-
genhine, ou vob' poies l'yer pl^{us}
de cest meistre.

Homine capto in Wi-
thernamium.

*Homine capto in Wi-
thernamium.*

Homine capto in Witherna-
mum is a wite to take
him that hath taken any
bondman or woman, & led
him or her out of the coun-
ty, so that he or she cannot be
repleued according to law,
Reg. orig. fo. 79. a.

Homine capto in witherna-
mum est vn briefe de pñ-
derluy que ad prise als^{es} vil-
leine ou niese, & trahe luy
ou el hors del countie, issint
que il ou el ne poit estre re-
pleuie accordant al ley, *Reg.*
orig. fo 79. a.

Hotchpot.

Hotchpot.

Hotchpot is a medling or
mixing together, & a par-
tition of Landes given in
frankmarriage, with other
landes in Fee simple discen-
ded. As for example, a man
seised of xxx. acres of land in
Fee simple, hath issue two
daughters, and giueth with-
ens of his daughters to a
man that marrieth her, ten
acres of the same Lande in
frankmarriage, & dieth seised
of the other thientie acres:
Now if her that is thus

Hotchpot est vn medling ou
mixing ensemble, & vn
partition de terres done en
Frankmarriage, ouesq; auts
terres en fee simple descend^{es}.
Come pur exemple, Vn
homme seisie de xxx. acres de
Torre en Fee simple, ad issue
2. filles, & done ouesque vn
des ses filles, a vn homme que
luy marie, x. acres de ceo tre
en frankmarriage, & mo-
rust seisie de les auters 10.
acres: Ore si el que est issint

Re 4

marry

The Exposition of

marrie voilloit auer aucun part de les xx. acres de que sa pere morust seisie, el doyt mis les terres done en frank-marriage, en Hotchpot, ceo est adire, el doit refuser de prendre le sole profits del fre done en Frankmarriage, & suffer le Terre de estre commixt & mingle ensemble o uesque le auter terre de que sa pere morust seisie, issint que vn equal diuision poyt estre fayt de lentire, perenter luy & sa soer. Et issint pur sa x. acres el auera xv. autement la soer voit au les xx. acres de que leur pere morust seisie.

married wife haue any part of the xx. acres wherof her father died seised, she must put her Landes giuen in frankmarriage, in Hotchpot, that is to say, she must refuse to take the sole profits of the Land giuen in frankmarriage, and suffer the land to be commixt and mingled together with the other land wherof her father dyed seised, so that an equall diuision may be made of the whole betwene her and her sister. And thus for her x. acres she shal haue xv. else her sister shall haue the xx. acres of which their father died seised.

Homage.

HOMAGE en nostre liures est deux fold, cest adire, *Homagium ligeum*, & ceo est tant come liegeance, de que *Bract. parle, Li. 3. ca. 35. f. 79. Soli Regi debetur sine dominio seu seruitio*: Et lauter est *Homagium feudale*, que ad son original per tenure. En *Eitzherbert, Natura. Breuium fol. 269.* la est vn brieve pur respekture de cest darreine homage que est due p

Homage.

HOMAGE in our booke is two fold, viz. *Homagium ligeum*, that is as much as liegance of which *Bracton* speaketh, lib. 2. ca. 35. fol. 79. *Soli Regi debetur sine dominio seu seruitio*: And the other is *Homagium feudale*, which hath his original by tenure. In *Fitz. N. B. fol. 269.* there is a writ for respacting of this latter homage, which is due by reason

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Lord
him.
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reason of the fee or Tenure. But Homagium ligum is inherent & inseparable, and cannot bee respected: Homage by reason of fee or tenure is defined to bee a service which shall be made in such manner, viz. the tenant in fee simple or fee tail that holdeth by Homage, shall kneele upon both his knees together, & the lord shall sit and hold the hands of his tenant betwix his hands, and the tenant shall say, I become your man from this day forward of life & member and of earthly honour, and to you shall be faithful and true, & that beate to you faith for the lands that I claime to hold of you, saving that faith that I owe to our Lord the King, and then the Lord so sitting shall kisse him.

But how fealty shall be done, looke before in Fealty.

And the Sheriff of the County may take fealty, but not Homage.

Homage antecessrel.

Where a man and his

Antecessors of time out of mind, did hold their Land

reason del feud ou Tenure. Mes Homagium ligum est inherent & inseparable, & ne poit estre respectus. Homagium ratione feodi, sive Tenure, est de seipsa de seipsa vn service que sera fait en tiel manner, cest a sauoir, le Tenant en fee simple ou fee taile que tient per homage, genulera sur ambideux genues disceinte, & le Seignior sera seate & tiepdra les maines son tenant enter les maines, & le tenant dira, leo deuigne vostre home de cest iour en auant, de vie & de member, & de terreynne honneur, & a vous sera foyall & loyal, & so foy vous portera des tres que ieo claime de teñ de vo, salue de foy que ieo doy a nostre Seignior le Roy, & donqs le Seignior il lunt seant luy basera.

Mes coñt fealty sera fait, vies deuant en Fealty.

Et le Seneschal le Seignior poit pñder fealty, mes ne my Homage.

Homage antecessrel.

Where a man and his

Antecessors of time out of mind, did hold their Land

vn home & ses antecessors de temps dont memorie ne courge, out tenus la Terre

The Exposition of

del Seignior per Homage. Et si tiel seignior ad receiue homage, il est tenu de acquiter le tenant vers tous aus seigniors paramont luy, de chescun man seruice. Et si le tenant ad fait homage a son Seignior, & soit implead & vouche le Seignior a garrantie, le Seignior est tenu de luy garrantir, & si le tenant pde, il recouira en value vers son Seignior tant des tres que il auoit al temps de la voucher, ou vnques puis. Auxy que home ne tient son tre y homage auncestre, alien le tre en fee, donqs le alienee fera homage a son Sür, mes il ne tiendra per homage auncestre, p ceo que le continuance del tenancy en le sanke del primer tenant est discontinue.

And if such lord hath receiued homage, he is bound to acquite the tenants against al other lords above him, of euery maner seruice. And if the tenant hath done homage to his lord & is impleaded, and voucheth the lord to warranty, the lord is bound to warranty him, & if the tenant lose he shall recouer in value against the lord so much of the lands as hee had at the time of the voucher, or any time after. Also if a man that holdeth his land by homage auncestre, alien the land in fee, then the alienee shall do homage to his lord, but he shall not hold by homage auncestre, for that the continuance of the tenancy in the blood of the first tenant is discontinued.

Homofoken.

Homofoken, ou **Hamefoken**, hoc est, quietum esse de Amerciamentis de ingressu hospiciorum violentè & sine licentia, & contra pacem Domini regis. Et quod teneatis placitū de hūdi transgressa in Curia vestra, & in tuis vestris.

Homofoken, or **Hamefoken**, that is, to be quit of amerciaments for entering into houses violently & without licence, and contrarie to the peace of the King. And that you hold plea of such trespass done in your Court and in your land,

Homof.

Homicide or Manslaughter.

Homicide, or **Manslaughter**, is the killing of a man feloniously without iustice forethought. It is also defined thus, Homicide is the killing of a man by a man: & if such killing be done by a dog, or, or other thing, it is not properly called homicide, for it is called Homicide of a man, & to kill, as the killing of a man.

Honour.

Honour, besides the generall signification, is used specially for the most noble sort of lordships, whereof other inferior lordships & manors do depend by performance of customes & services, some of other, to those that are lords of them: And it somethat there are no Honours but those which originally appertained to the King, yet they may afterward be given in fee to noblemen. The manner of creating of these Honours may in part be collected out of the Statutes of anno 31. H. 8. cap. 5. where Hamp-

Homicide ou Manslaughter.

Homicide ou Manslaughter est le occider de vn home feloniouslyment sauns malice prepenſe. Il est auxy define issint, Homicidium est hominis occisio ab homin facta. Si autem a Cane, Boue, ou alia re, non dicitur pproie homicide, dicitur homicidium ab homin & cado, quasi hominis cadum.

Honour.

Honour, pret legeral signification est vie specialmet pur le plus noble sorte de Seignories, de que auter inferior Seignories ou Manors dependant performace de Customes & Services, vn ou auter, al ceux que sont Seignours de eux: Et sensible que la sont nuls honours forsq; ceux que originalat appertinent al Roy, vacore ils payent en l'psestre done enfee al Noble-homes. Le manner del creation de ceux honors poit en part estre collect hors des statutes de Ann. 31. Hen. 8. cap. 5. ou Hampton

The Exposition of

ton Court est fait vn Honour, & Anno 33. eiusdem, cap. 37. & 38. per que Amp-till & Grafton sont auxy fa-its Honors : & Anno 37. eiusdem, cap. 18. per que le Roy ad poyar donec a luy, per ses letres patēts, de erect quāt se-ueral honors d Westmīster, Kingston sur Hul, S. Osithes en Essex, & Dodington en Barkshire.

ton Court is made an Ho-nor, & An^o 33. eiusd. cap. 37. & 38. whereby Amp^till and Grafton are likewise made Honors : & An^o 37. eiusd. ca. 18. whereby the King hath power giuen him by his let-ters patentes to erect seueral honors of Westmin-ster, Kingston upon Hull, S. Osithes in Essex, & Do-dington in Barkshire.

Hornegeld.

Hornegeld, Hoc est, quietū esse de quadam consue-tud^e exacta per taliagium p totam tram, sicut d quacun-que bestia cornuta.

Hornegeld.

Hornegeld, that is, to be quit of a certain custome exacted by Tollage through all the land, as of whatsoe-uer hoyme beast.

Houseboote.

Houseboot est necessary me-risime que le lessē p ans ou pur vie, de common droit poit pnder sur le t're, repaier les measons sur m le t're a luy lessā, nient obstant il ne soyt expresse en le Lease, & nient obstant il soit vn lease per pa-rols sans fait. Mes si il prist plus q besoigne, il poit estre punish per vn Action de Waste.

Houseboote.

Houseboot is necessarie timber that the lessee for yerres or for life, of common right may take upon the ground to repaier the houses vpon the same ground to him leased: although it be not ex-pressed in the lease, & although it be a lease by word without deed: but if he take more than is needfull, he may be punished by an action of waste.

Hue and Crie.

Hue and Crie is a pursuit of one hauing committed felonie by the high way, for if the partie robbed, or any in the companie of one that was murdered or robbed cometh to the constable of the next towne & willet him to raise Hue and Cry, or to make pursuit after the offender, describing the party and shewing as nere as hee can, which way hee is gone, the Constable ought forthwith to call vpon the parish for ayde in seeking the felon, and if hee be not found there, then to giue warning to the next Constable, and hee to the next to him, vntill the offender bee apprehended, or at the least vntill hee be so pursued to the sea side. Of this see Bracton, lib. 3. §. Traff. 2. c. 5. Smith de Repub. Angl. lib. 2. c. 20. and the Stat. of Winchester made an. 13. E. 1. & the Stat. of 8. E. 3. c. 11. & an. 7. Eliz. c. 13.

Hue & Crie.

Hue & Cry est vn pursuit de vn aiant comit felonie per le haut chemin, car si le partierob ou ascü en le company de vn q fuit murdr ou rob vient al Constable del prochein ville & luy commanda de faire Hue & Cry, ou de faire psuit puis le offendor, describant le party & cypres que il poit monstrans quel voy il est ale, le Constable doit immediatme de appeller sur le poche pur ayde en querance le Felon, & sil ne soit troue la, donque de doner garrin al prochein Constable & il al prochein luy, iefque le offendor soit apprehend, ou al meins iefque il soit este pursue al latere de mere. De ceo veies Bracton. 3. Traff. 2. c. 5. Smith de Repub. Angl. li. 2. cap. 20. & lestatute de Winchester fait an. 13. E. 1. & lestat de 8. E. 3. c. 11. & an. 27. Eliz. c. 13.

Hundred.

Hundreds were deuised by Alfred the King, after that he had diuided the whole Realme into certain parts or sections, which of the Saxon word Scyran, signifying to cut,

Hundred.

Hundreds fueront deuisé per Alfred le Roy, apres que il ad deuide le entier Realme en certain parts ou sections, le quel d' Saxō pol Scyran significât de scinder. il

The Exposition of

il terme Shires, ou (sicome nous vncore parle) shares & portions. Ceux Shires il auxy deuide en petits parts, de queux ascuns fueront appellees Lathes; de le parol *Gelathian*, que est de assembler ensemble, auters Tythings, issint nosme pur ceo que la fueront en chescun de eux al number de dize persons, de que chescun fuit suretie & pledge pur auters bone behauiour: Auters Hundreds, pur ceo que ils containe iurisdiction sur vn hundred homes ou pledges, demurrant peradventure en deux, ou trois, ou pluis paroches, boroughs, ou villes, esteaunt & adioynauant nientz meines procheine ensemble, en le quel il appoint administration de iustice destre exercise seueralment, enter eux de mesme le hundred, & ne my que lun ira hors disorderment en l'auter hundred, lathes, ou tything, en que il ne demurt. Ceux hundreds continue a cest iour en force, nient obstant ne en tout al mesme le purpote, pur que al primer ils fueront ordeine, vncore a ore mult necessaie, & en temps de peace pur bone order de gouverne-

ment. *hee termed Shires, or (as we yett speake) Shares & Portions. These Shires bee also diuided into smaller partes, whereof some were called Lathes, of the word Gelathian, which is to assemble together, or these Tythings, so named, because there were in each of them to the number of ten persons, whereof each one was suretie and pledge for others good abearing: Others Hundreds, because they contained iurisdiction ouer one hundred men or pledges, dwelling peradventure in two or three or more parishes, Boroughs, or towns, lying and adioining neuertheless somewhat nere together, in which bee appointed administration of Justice to be exercised severally among them of the same hundred, and not that one should runne out disorderly into an others hundred, Lathes, or Tything, wherein bee dwelleth not. These hundreds continue to this day in force, although not altogether to the same purpose, wherein at first they were appointed, yett still verie needefull, both in time of peace for good order of governance*

ment diuers waies, and also
so in waire for certaintie of
leuying of men: & else for
the moze readie collections
of payments graunted in
Parliaments, to the Kings
and Quenes of this
Realme.

ment diuers voies, & auxy
en guerre pur certaintie de
leuying de homes: Come
autrement pur le plus spec-
die collections des payments
graunt en Parliement a le
Royes & Roygues de ce
Realme.

Hundredum.

Hundredum.

Hundredum, that is, to
bee quitted of money of
customs to bee done to the
Gouernours and Hundre-
dors.

Hundredum, hoc est, quic-
tum esse de denarijs vel
consuetudinibus faciendus
prepositis & hundredarijs.

I

I

Idiot.

Idiot.

Idiot is he that is a foole
naturall from his birth,
and knoweth not how to
account of number twen-
tie pence, or cannot name
his father, or mother, nor of
what age himselfe is, or such
like easy & commo matters,
so that it appeareth hee hath
no manner of understand-
ing of reason, or gouerne-
ment of himselfe, what is
for his profit or disprofit,
&c. But if he haue so much
knowledg that he can read,
or learne to read by in-
struction and information
of others, or can measure

Idiot est celuy que est vn sot
natural de sa neisture, &
ne scauoit de accompter ou
number xx. s. ne poit nomme
son pere, ou mere, ne de quel
age luy m est, ou tiel sembla-
ble plaine & common cho-
ses, issint que il appiert que
il nad asc man de intende-
ment de reason ne gouerne-
ment deluy mesme, quel est
pur son profit ou disprofit
&c. Mes sil ad tant intelli-
gence que il poit lier, ou
apprehender de lier per in-
struction & information
de auters, ou poit measure
vn

The Exposition of

vn vine de drape, ou nosme
les iours en le semaine, ou
engender vn enfant, fitz, ou
file, ou tiel semblable, per
que il poit apparere, que il
ad ascun lumen de reason;
donques tiel nest Ideot na-
turalment.

an Ell of Cloath, or name
the dayes of the weeke, or
beget a Child, Sonne, or
Daughter, or such like,
wherby it may appeare that
hee hath some light of
reason, then such a one is
no Ideot naturally.

Idemptitate no- minis.

Idemptitate no- minis.

Idemptitate nominis est vn
Briefe, & gift lou Briefe
de Dette, Couenant, Ac-
compt, ou tiel semblable
briefe est port vers vn home,
& vn autre que ad mesme
le nosme come le defendant
ad, est pris pur luy, don-
ques il auera cest Briefe, per
que le Viscount fra inquire
deuant le Iustice assigne en
mesme le Countie, si soit
mesme le person ou nemy,
& si ne soit trouue le partie,
donques il alera sauns iour
en peace.

Idemptitate nominis is a
writ, and it lyeth wher
a writ of debt, couenant, or
accompt, or such other writ
is brought against a man,
and another that hath the
same name as the Defen-
dant hath, is taken for him,
then he shal haue this writ,
by the which the Sherriffe
shall make inquire before
the Justice assigned in the
same Countie, if hee bee the
same person or not, and if
hee bee not found to bee the
partie, then hee shall goe
without day in peace.

Ieofoile.

Ieofoile.

Ieofoile est quant les par-
ties al ascun suit en plea-
daunt ou a taunt procedre
que ils ayant iourne issue
quel terra trie, ou est trie
per vn Iurie ou Enquest,
Et cel pleading, ou issue,
si cy malement pleade ou

Ieofoile is when the par-
ties to any suit in plea-
ding haue proceeded so farre
that they haue torped them
which shal bee tryed, or is
tryed by a Iurie or En-
quest, And this pleading is
thus

Issue is so bably pleaded or
 doyned, that it will be erro-
 if they proceed: Then some
 of the sayd parties may by
 their counsell shew it to the
 Court as well after verdict
 given and before iudgement,
 as before the Iurie bee
 charged. The shewing of
 which defects before the
 Iurie charged, was often
 when the Iurie came into
 the Court to trie the issue:
 then the counsell which will
 shew it shall say, This en-
 quest yee ought not to take.
 And if it be after verdict,
 then he may say, The iudge-
 ment yon ought not to geve:
 And because by such many
 delays were in suits, di-
 vers Statutes are made to
 redresse them, aswel in the
 time of H. 8. in the 32. yere
 cap. 30. as in the time of
 Hu. Eliz. wherof a man
 may say as the Civilians
 say, That although Con-
 stantine the Emperour com-
 maunded the formes of the
 Law to bee cut off, yet the
 daily vse of pleading doth
 seeme again to recal them, or
 rather, some of them increase
 at the heads of Hydra.

Ictsam.

Ictsam is when a ship is
 in peril to be drowned
 and so disburden the ship

issue est cy malem̄t plede ou
 loine que il sera error si eux
 proceed: Donque ascun del
 dits parties poit p loutr cou-
 sel m̄se ceo al court auxibien
 apres verdict done & deuant
 iudgem̄t, come deuant Iury
 soit charge. Le monst̄rant
 des qux defects deuant le
 Iurie charge, suit souēt q̄nt
 le Iurie veigne al Court de
 trier le issue: donques le
 Counsel quel voit ceo m̄re,
 dirra, Cest enquest ne doit
 prend̄. Et si soit apres ver-
 dict, donques il poit dire, al
 iudgment ne deues aler. Et
 par ceo que per tiels mults
 delaies fueront in suits, di-
 vers Statutes sont faits de
 redresser ceo, auxy bien en
 temps de Roy H. 8. an. 32. ca.
 30. come en le temps le
 Roygne Elizab. de queux
 home poit dire que les
 Civilians dient, *Quod ta-
 met si iuris formulas am-
 putari insserit Constanti-
 nus Imperator, quotidid-
 nus tamen forensis usus e-
 as renocasse videtur, vel po-
 tius, quod crescunt ut Hi-
 dra capita.*

Ictsam.

Ictsam est quauit vn niese
 est en peril deste merge
 & pur disburden le niese

The Exposition of

les mariners ietta les Bieus
e n le mere, & puis nicot
obstant le niese perish, &
nul de ceux biens que sont
appel Ietsan, Floatsam,
ou Langan, sont appel wreck
cy longe, come ils remaine
en ou sur le mere, mes si
aucun de eux sont mise al
Terre per le mere, dunque ils
seftront dit wrecke, & passe
per le graunt de wrecke. Co.
lib. 5. fo. 106.

the mariners cast the goods
into the Sea, and although
afterward the Ship pe-
rish, and none of those goods
called Ietsan, floatsam, or
Langan, are called wreack, as
long as they remaine in or
vpon the Sea, but if any of
them are vponen to Land by
the sea, there they shall bee
sayde wrecke, and passe by
the grant of wrecke. Coke,
lib. 5. fol. 106.

Illoyal assemblee.

Illoyal assemblee est lou
people eux assemble in-
simul pur faire illoyal chose
encounter le peace, nient
obstant que ils ne execu-
t leur purpose en fait.

Vnlawfull assemblee.

Vnlawfull assemblee is
where people assemble
themselues together to doe
some vnlawful thing against
the peace, although that they
execute not their purpose
indeede.

Imprisonment.

Imprisonment nest autre
chose forsque le restraint
del libertie d'un home, soit
eeo en le ouert champs, ou
en le cippes, ou cage en les
estreetes, ou en le proper
meason d'un home, cibien
come en le common Gaole.
Et en tous ceux lieux le
partie issint restraïne est dit
deste vn prisoner, cy long-
ment come il nad son liber-
ty frankement de ire a tous
tēps & lieux lou il voit, sans

Imprisonment.

Imprisonment is no other
thing but the restraint
of a mans libertie; whe-
ther it bee in the open field,
or in the stocks, or cage,
in the streets, or in a mans
own house, aswell as in the
common Gaole. And in all
these places the partie so
restrained is saide to bee a
prisoner so long as he hath
not his libertie freely to
goe at all times to all places
whether hee will, without
bayle

baile of mainprisse, or o-
therwise.

baile mainprisse, ou auter-
ment.

Indicant.

Indicant is a **Writ**, and
lyeth where debite is be-
thorne: **Clerkes in Court**
Christian of one Church,
or part of a **Church**, for
Dismes which amounteth
at the least to the value of
the tith. part of the **Church**
and for that that the patron
of the **Clerk** of the **Church** shall
lose his aduowson: If the
Clerk of the **Church** shall retorne
it, hee shall haue a **Writ** dire-
cted to the **Clerk** of the **Church**
or to the officers of the court
Christian, them comman-
ding to cease their plea, un-
till it is discuss in the kings
court to whom the aduow-
son belongeth: and the **Writ**
shals be between four persons
two shall be **Patrons**, and
two shall be **Clerkes**, but
this **Writ** is not retognable,
but if they cease not their
suit, he shall haue an attach-
ment.

Infangtheefe.

Infangtheefe, that is, that
thomes taken with-
in your demesne or for conui-
cted of thefts, shal be iudge-
d in your Court.

Indicant.

Indicant est vn **Briefe**, &
gist lou debate est peien-
ter deux **Clerkes** en **Cours**
Christian d'un **Eglise**, ou
part de vn **Eglise**, pur dismes
que amount al meins a le
valde de la quart part del
Eglise, & p ceo que le patro
del **Clerke** le def. perda son
aduowson, si le **Clerke** le p
la recouera, donques il aua
Briefe direct al **Clerke** le p,
ou al **Officers** del court
Christian, eux comman-
daunt de cesser de leur plea,
iesques il est discusse en
Court le Roy a que l'adu-
owson appert: Et cest
Briefe sera enter quatre
persons, deux seront **Pa-
trons**, & deux seront
Clerkes. Mes cest **briefe** nest
retornable, mes s'ils ne ces-
sont leur suit il auera vn **At-
tachement**.

Infangtheefe.

Infangtheefe, hoc est, qui
latrones capti in domini-
co vel in feod vestro de la-
trocinij conuicti, in Curia
vestra iudicent.

The Exposition of

Information.

Information par le Roy, est ceo que par vn common person est appel vn declaration, & nest tous foits fait directement per le Roy, ou son Attorney, mes per vn autre home, *Qui tam pro domino Rege, quam pro se ipso sequitur*, sur le breach de alcun penal Ley ou statute, en que vn penalte est done al partie que voit suer pur ceo, mes nul Action de Dette pur recouer ceo, donq; il doit esteewe p Information.

Information.

Information for the King is that which for a common person is called a declaration, and is not always done directly by the King, or his Attorney, but rather by some other man, Who sweth or informeth as well for himselfe, upon the breach of some penall Lawes or Statute, wherein a penaltie is giuen to the partie that will sue for the same, but no Action of Debt so recover it, then it must be had by information.

Inhibition.

Inhibition est vn Briefe de inhibiter vn Iudge de proceder ouster en le cause dependaunt deuant luy, veies *Fitzher. Natur. Br. fol. 39.* ou il mita prohibition & inhibition ensemble. Inhibition est plus communement vn Briefe issuant hors d'un plus hant Court Christian, a vn plus base & inferiour, sur vn appeale, Anno 24 Henr. 3. Capit. 12. & prohibition hors del Court le Roy de record al Westminster, a vn Court Christian,

Inhibition.

Inhibition is a writ to inhibite a Iudge to proceed further in the cause depending before him. See *Fitzherbert Natura Breuium fol. 39.* where hee putteth prohibition and inhibition together. Inhibition is most commonly a writ issuing forth of a higher Court Christian to a lower and inferiour, upon an appeale, Anno 24 Henr. 3. cap. 12. and prohibition out of the Kings Court of Record at Westminster, to a court Christian

Exfont multitudine caſa
en Ley, & te iſtanti caſa,
que en indiſtante en na-
ture, en conſideration del
ment, & entendement del
Sages del Ley en ouide, ſur
mieux ſurde, nulle argu-

[illegible]

uses of great skill and pro-
found iudgement.

Ioyntenants.

Ioyntenants be where two
men come to any lāds and
tenements by one joint title,
as if a man give landes to
two men & to their heppes.

But tenants in common
be where if men have landes
by severall titles, or by feof-
ment to two to have and to
hold the one halfe to one and
his heires, & the other halfe
to another & his heires, in
all these cases none of them
knoweth his severall, as it
shall be said after.

And note well, if there be
two or three Ioyntenants,
if one hath issue & dieth, then
he & those jointenants that
survive that have the whole
by the survivor.

But if 2 jointenants make
partition betwix them by
deed by agreement, & if they
be severall finders.

And if one Ioyntenant
give that which belongeth
to him to a stranger, the the
other jointenant & the stra-
nger be tenants in common.

ments de graund ingenie &
profound iudgement.

Ioyntenants.

Ioyntenaunts sont lou deux
homes vient a asc' fies ou
tenemens p vn joynt Tiele,
cōc si home done fies a deux
homes & leur heires.

Mes tenants en Common
sont lou deux homes ont fies
per seūall Titles, ou per feof-
ment al deux, a auer & tener
un moytie al vn & ses
heires, & l'auter moytie al
auter & ses heires, en tous
ceux cases nul de eux scauoit
son seuerall, come il seira dit
apres.

Et nota si sont deux ou
troys Ioyntenants, & vn ad
issue & deuy, dōq cestuy ou
ceux jointints q survivesq, aūa
lentierty per le survivor.

Mes si deux joyntenta sont
partie en eux per fait per a-
greement, donques ils sont
seueral tenants.

Mes si vn Ioyntent graunt
c' q a luy appent, a un stra-
nger, donqz l'aut Ioyntenaunt
& lestrang' sont tenants en
Common.

The Exposition of

Et mesque ij. tenants en common sont seisié per my & per tout; & nul conuist son seüal, vnc' si vn deuie, laut' ne aüa lentierte p suruiü, mes l'heire de cey q' deuie aüa le moity.

Et issint si sont iij. iointenants, & vn de eux fait seoffment de son part a vn aut, & le seoffee deuie, donques son heire aüa le tierce part, & les autres deux sont ioyntenants come ils fueront, p' ceo que eux deux sont seisiés per vn ioynt title.

Auxy si Terre soit done al Baron & sa feme, & l'baron alien & deuie, le feme recoüera l'emierte: Mes si ils fuer' ioyntenants deusunt l'cofiture, donqs en tel case il recoüa forsq' le moity.

Auxy si terre soyt done al Baron & sa Feme, & al tierce person, si le tierce person graunt ceo que a luy appent, la moitie passa per cel grant, pur ceo que le Baron & sa feme sont forsq' vn person en le Ley, & en cest case ils nount en droye forsq' le moite.

Auxy si deux iointenants

And though 2 tenants in common be seized thoroughly & of the whole, & none knoweth his severall, yet if one die, the other shall not have the whole by survivor, but the heire of him that dieth shall have the halfe.

And so if there be 3 ioyntenants, & one of them maketh a seoffment of his part to another, & the seoffee dies, then his heire shall have the third part, & the other 2 be ioyntenants as they were, because that they two be seized by one ioynt title.

Also if lands be given to the baron & to his wife, and the husband alieneth & dies, the wife shall recover the whole: But if they were iointenants before the Conquesture, then in such case she shall recover but the halfe.

Also if lands be given to the husband & to his wife, & a third person, if the third person grant that that belongeth to him, the one halfe passeth by this grant, for that that the baron and his wife be but one person in the law, & in this case they have nothing in right but the halfe.

Also if two iointenants be

be of lands in a coſone that
is Borough Engliſh where
land is diuiſible, and one by
his teſtament deuifeſh that
that belongeth to him, to a
ſtranger & diſch, this deuife
is void, & the other ſhal haue
the ſchole by ſuruiuer, ſay
that the deuife may not take
effect till after the death of
the Deuiſor, & immediately
after the death of the deuifee
the right cometh to the o-
ther Ioyntenant by the ſur-
uiuer, the which claime is
ſhew by the deuifee but in
his own right by the ſurui-
uer. But otherwiſe it is of
parteners ſeiled of lands di-
uiſible, *Cauſa qua ſupra.*

Ioynture.

Ioynture is an eſtate and
aſſurance made to a wo-
man in conſideration of ma-
riage, for terme of her life or
otherwiſe, as is mentioned
in the ſtat. of 27. H. 8. ca. 10.
Whether it be before or after
the marriage: or it be after
the marriage, then ſhe may
at her liberty after the death
of her husband, reſuſe to
take, or haue the lands ſeal-
ed: or ſhe may Ioynture, and
demand her Dower at the

ſont des Terres en Ville que
eſt Borough Engliſh, l'on
terre eſt deuifeable, & l'un per
ſon Teſtament deuifea ceo
que a luy appent, a vn eſtrā-
ger, & deuie, ceſt deuife eſt
voyd, & le autre auera lenti-
ertie per ſuruiuer, p ceo que
le deuife ne poit pnder effect
tanque apres le mort le deu-
ſor, & immediate après le mort
le deuſor, le droit deuient al
auſ Ioyntenant per le ſurui-
uer, lequel ne claime riens p
le Deuiſor, mes en ſon droyt
demefne per le ſuruiuer. Mes
auterment eſt de Parceñs ſei-
ſies des tres deuifeables, *Cauſa*
qua ſupra.

Ioynture.

Ioynture eſt vneſtate & aſ-
ſurance fait al vn ſeme, en
conſideration de mariage, p
terme de ſa vie, ou auſement,
come eſt mention en leſtatut
27. Hen. 8. cap. 10. ſoit il
uant ou après le mariage: Et
ſi ſoit après le mariage, don-
qués il poit a ſa liberte après
le mort de ſa baron, ſe ſuſet
pnder ou auſ les tres liſant
aſſure, pur ſa Ioynture, &
demaunde ſa Dower a le
Common

The Exposition of

common Ley: Mes si il soit fait deuant mariage, donque el ne poet refuse tiel Joynture, ne auer dower accordant al Common Ley, sinon que quant el port sa Brieve de Dower, le defendant pleade tiel plea que ne voyle luy barrer de sa Dower, donques el sera endowe: Sicome il dit en Barre, Que sa Baron ne fuit seisié de tiel estate de quel doit estre endowe, ou ascun tiel pleé, & ne monstre que el ad vn joynture fait, &c. & pur ce demand iudgment de cel Action, ou iudgment si el sera auxy endow ou ascun tiel semblable pleé, &c. Et ceo fuit l'opinion de le droyt worshipfull Mounseigneur Brograve, al son lecture en Grayes Inne, en Summer Anno 1567. 18. Eliz. sur vn brach d'l stat. fait An. 27. H. 8. cap. 19. concernant jointures & Dowers.

Et per luy, de ceux choses de que vn feme poit estre endowe, el poit auer vn Joynture, come de Mines, *Reservat terra*, Boys, Villers, Isles, Meadows, & tiels semblables. Item d'un Aduowson, d'un reuersion dependant sur vn estate pur vie, de vn

common Law; but if it be made before marriage, then she may not refuse such Joynture, nor have Dower according to the Common Law, unless that when she bringeth her writ of Dower the defendant pleadeth such a plea that wil not barre her of her dower, then she shall be endowen: As if her lay in barre, that her husband was not seized of such estate whereof she might be endowed, or any such plea, and both not herein that she hath a joynture made, &c. otherwise demandeth iudgment of that action, or iudgment if she shall be also endowen, or any such like plea, &c. And this was the opinion of the right worshipfull M. Brograve at his Reading in Grayes Inne in Summer, an 1567. 18. El. upon a brach of the statute made 27. H. 8. cap. 19. concerning jointures and Dowers.

And by him of those things whereof a woman may be endowed, she may have jointure, as of mines, *reservat terra*, Woods, Towns, Villers, Meadows, and such like. Also of an Aduowson, of a Reversion depending upon an estate for life, of a

Windmill, an high chamber, a Rectory, & such other, and they are called tenements. Also of a villein, for he is an hereditament; and of al these profit may come to the woman. But of those things whereof no profit will come, but rather a charge, a joynture cannot be made.

Windmill, vn hault Chamber, vn Rectory, & tiels auz, & ils sont appels tenements. Item dun villein, car il e he reditament. Et de tous ceux, pfit poyt ven al feme. Mes de ceux choses de que nul pfit poit ven, mes pl^t tost vn charge, vn joynture ne poyt estre fait.

L

Theft.

Theft is a wrongfull taking away of another mans goods, but not fro his person, with a mind to steale them against his will whose goods they were.

And Theft is in ii. sorts, the one is called simple, and the other petit or little theft.

The first is where the thing stole exceeds the value of xii. d. & that is felony.

The other (which is called little or petit theft) is where the thing stole doth not exceed the value of xii. d. and that is not felony.

And the value of the thing stole is to be taken at the value of the thing at the time of the stealing.

L

Larcenie.

Larcenie est vn tortio^r prisel des biens de vn auz hōe mes nemy de son person, ore vn ment de eux embles, en cōe son volunt que biens ils fueront.

Et Larceny e en ij. sortes, l'un issint appel simpleint, & l'auter petit larceny.

Le prim est lou l'chose emblee exceda l'value de xij. d. & ceo est larcenie.

Le auter (que est appelle Petit larceny) est lou le chose emblee ne exceda le value de xij. d. & ceo nest Felonie.

And the value of the thing stole is to be taken at the value of the thing at the time of the stealing.

Lastinge

The Exposition of

Laſtage.

Laſtage, Hoc eſt, quierum eſſe de quadam conſuetudin' exacta in Nundinis & Mercatis pro rebus cariandis ubi homo vult.

Leaſes.

Leaſes ſont graunts ou de-miſſes per vñ que ad a ſcün eſtate en hereditaments, de ceux hereditaments al auter pur meind' temps, & c' ſont en diūs manners, ceaſtaſca-noire, pur term de vie, p' tme de ans, p' terme d'auñ vie, & a volunt.

Auxy vn leaſe de fre & auxy bone ſans fait, & c' p' fait.

Mes en vn leaſe p' tme de vie, il couient de don liūie & ſeiſin ſur le Terre, ou auter-mentriens paſſera p' l' gra. al pur ceo que ils ſont appellez Franktenements.

Auxy vn leaſe de vn Com-miſſion ou rent ne poit ee bone ſans fait.

Mes de vn Parſonage que ad Glebe, il eſt bone ſans fait, pur ceo que le Glebe de le Eſgliſe que eſt le princi-pall, poit affets bien paſſer ſans fait, & iſſint les

Laſtage.

A laſtage, that is, to be quit of a certain cuſtome ex-acted in ſaires & markets, for carrying of things where a man will.

Leaſes.

Leaſes be graunts oꝝ demiſſes by one that hath any eſtate in any hereditaments, of thoſe hereditaments, to a-nother for a leſſer time, and they be in diuers manners, viz. for term of life, for term of years, for terms of ano-ther's life, and at will.

Also a leaſe of iſſu is as god without deed, as with deed.

But in leaſes for term of life, it behoveth to give liūie-rie and ſeiſin upon the land, or elſe nothing that paſſe by the graunt, because that they be called franktenements.

Also a leaſe of a commiſſion oꝝ rent may be good ſans fait.

But of a parſonage that hath glebe it is good ſans fait, for that the glebe of the church, which is the princi-pall, may well enough paſſe without deed, & ſo the diſſon

dismes and offerings which bee as necessarie to the Church. dismes & offerings que sont come accessorie al Eglise.

But dismes & offerings by himselfe may not bee let without deed, as it is sayd. Mes dismes & offerings per soy, ne poient este leffes sans fait, vt dicitur.

Lessor and Lessee.

Lessor & Lessee.

LESSOR is hee that letteth lands or tenements to another for term of life, yeares or at will: And he to whom the Lease is made, is called Lessee. LESSOUR est celuy que lessa terres ou tenemens al auē pur terme de vie, ans, ou a volunt: Et celuy a que le Lease est fait, est appelle Lessee.

Leuant & Couchant.

Leuant & Couchant.

LEuant & Couchant is sayd, when the beasts or cattel of a stranger, are come into another mans ground, and there haue remained a certain good space of time. LEuant & Couchant est dit quant les beaſts ou cattel d'un estranger sont venue en le Terre d'un auter home, & la ont remaine vn certaine bone space de temps.

Law.

Ley.

LAW is when an action of Debt is brought against one upon some secret agreement or contract had betwene the parties without specialtie shewed, or other matter of Record, as in an action of Detinence for some goods or cattels lent or left with the Def. then the defendant may wage his Law, if hee will; that is to say, to LEY est quant action de Dene est port vers vn sur ascun secret agreement ou contract ew perenter les parties sans especialtie monstre, ou auter matter de Record: come en vn Action de Detinue par ascuns biens ou chattels accomoda ou relinq oue le defendaunt, donques le defendannt poit gager sa Ley, sil voile, cestasca. de lurie

The Exposition of

iurer sur vn Lieur, & certain persons oue luy que il ne detainne les biens, ou doit riens al plain, en manner & forme come il ad declare.

Et cest allowe solement en cases de secrecie, ou le plaintife ne poit prouer le surmise de son suit per aucun fait, ou ouert action le defdaunt poit ceo discharge secretement perenter eux, sans aucun escript de acquittance ou publique act. Et par ceo en Action de Dette sur vn Lease pur terme d'ans, ou sur arerages de accompt deuant Auditors assign, hōe ne gagera son Ley.

Mes quant vn gagera son Ley, il amefnera ouesque luy 6. s. ou 12. de ses vicines, come le Court luy assignera, de iurer ouesque luy, mult semble al serement que eux fesoient que sont vses en le Civil Ley, de purger auters de aucun crime al eux impure, que sont appel cōpurgators.

Nota que le offer de fayre le serement est appel le gager del ley, & quant il est accomplish, donques est appel, le fesans del ley.

swore vpon a Booke, & certain persons with him that hee detaineth not the goods, or oweth nothing to the plaintife, in manner & form as he hath declared.

And it is allowed onely in cases of secrecie, where the plaintife cannot proue the surmise of his suit by any deade or open act: for the defendant might discharge it privately betwene them, without any writing of acquittance, or publique Note: And therefore in an action of debt vpon a lease for terms of yeares, or vpon arerages of accompt before Auditors assigned, a man shall not swage his Law.

But when one shall swage his Law, he shall bring with him vi. viii. or xii. of his neighbours, as the court shall assigne him, to sweare with him, much like vnto the oath which they make which are den in the Civil Lawe, to purge others of any crime layed against them, which are called cōpurgators.

Note that the offer to make the oath is called swager of Law, and when it is accomplished, then is it called, the doing of your Law.

And

And also if the Sherife in any Action, returne that hee hath summoned the Defendant to appeare in court at any day to answer the plaintife, at which day hee maketh default, Procelle shall bee awarded against him to come and saue, excuse his default: which is as much to say, as to excuse the delay, or otherwise to lose the thing demagned: and then the Defendant commeth and will sweare that he was not summoned which is called waeging of law, then hee ought to doe it at the day assigned with xij. others: And in doing of his law, hee ought upon his oath to affirme directly the contrary of that which is imputed to him: But the others shall not say, but that they think that hee saith the truth.

Et auxy si le Viscount en aucun Action retourne que il eut summon le defendant de appeare en Court a aucun iour a respond le plaintif, a quel iour il fait default, processe sera agard vers luy de vener & saue, ou excuse son default: que est a tant a dire, come a purgare moram, ou autrement de pder le chose demand: Et donques le Defendaunt vient & voiet iure que il ne fuit summon, que est appel gager de ley, donques il doit ceo fayre al iour assigne oue xij. autres: Et en faisant delley il doit sur son serement affirmer directement al contrarie de ceo que est impute a luy, mes les autres ne dirra, mes que eux entende que il dit le veritie.

Libertate probanda.

Libertate probanda.

Libertate probanda, lookes for that in the title of *Natiuo habendo*.

Libertate probanda, viñ de ceo en le Title de *Natiuo habendo*.

Ligeance.

Ligeance.

Ligeance is a true & faithful obedience of the subiect due to his soueraigne, and this *Ligeance*, which

Ligeance est vn voire & loyal Obedience del Subiect due a son Soueraigne, & cest *ligeance*, que est

The Exposition of

est vn incident inseparable a chescun subiect est en quatre manners ; Le primer est natural, le second acquisit, le tierce local, & le quart legal ; De tous queux vous poies lier mult bone erudition en *Coke*, lib. 7. *Caluins case*.

is an incident inseparable to euery subject in four manners, the first is natural, the second acquired, the third local, and the fourth legal ; Of all which you may read much excellent Learning in *Coke*, lib. 7. *Caluins case*.

Liberate.

Liberate est vn Garrant issuant hors del Chancerie al Tresurer, Chamberlaines, & Barons del Eschequer, ou Clerk del Hamper, &c. pur le payement de ascun annual pension ou autre somme grantus south le Graund Seale, *Regist. Orig.* 193. Ou ascun foits al Viscount, &c. *F. N. B.* fol. 132. put le deliuerie de Terres ou biens prise sur forseiture dun Recognisance, *F. N. B.* 131. 132. *Coke*, lib. 5. *Fulwoods case*, fol. 64. 66. 67. Il est auxy a vn Gaoler del Iustices pur le deliuerie dun prisoner que admitta eins Bayle pur son appearance.

Liberatē.

Liberate is a Warrant issuing out of the Chancery to the Tresurer, Chamberlaines, and Barons of the Eschequer, or Clerks of the Hamper, &c. for the payment of any yearly pension, or other sum granted under the broad Seale, *Regist. Orig.* 193. Sometimes to the Sherife, &c. *F. N. B.* 132. for the deliuerie of Lands or goods taken vpon Forfeiture of a Recognisance, *F. N. B.* 131. 132. *Coke*, Lib. 5. *Fulwoods Case*, fol. 64. 66. 67. It is also to a Gaoler from the Iustices for the deliuerie of a Prisoner that hath put in Bayle for his appearance.

Limitation.

Limitation est vn assignement de space ou temps

Limitation.

Limitation is an assignement of a space or time, within

Within which, hee that will
see for any lands or heredi-
taments, ought to prove, that
hee or his auncient was sei-
sed of the thing demanded,
or otherwile hee shall not
maintaine his suit or action
which assignatures be made
by diuers Statutes, Where-
of the last was Anno 32.
H. 8. cap. 12.

Livrie of Seisin.

Livrie of Seisin is a cer-
monie used in conve-
yance of Landes & Ten-
ements before an estate in
fee simple, fee taile, or a free-
hold shall passe: And it is
a testimoniall of the wil-
ling departing by him
who makes the Livrie
from the thing whereof Li-
vrie is made: And the re-
ceiving of the Livrie is a
willing acceptance by the
other partie, of all that
interest the other hath dis-
misse himselfe: And was
invented as an open and no-
torious thing, by menues
whereof the common peo-
ple might have knowledge
of the passing & alteration
of estates from man to man,
that thereby they might bee
the better able to trie in
what the right & possession
of landes and tenements

deus quel, c'esty que voil fu
er p aucuns terres ou heredi-
taments, doit prouver que il
ou son auncient fuit seisie
del chose demande, ou au-
terment ne maintiendra son
suit ou Action, quel assigne-
ments sont faits per diuers
Statutes, Darreinement per 32.
H. 8. cap. 12.

Livrie de seisin.

Livrie de seisin est un ce-
remoine use en con-
veyance de Terres ou Ten-
ements lou un estat en
Fee Simple, Fee Taile, ou un
frankement passera: Et
il est un tesmoigne de le
voluntarie departing per
luy que fait le Livrie del
chose que le livrie est fait:
Et le receit del livrie est
un voluntarie acceptaunce
per le autre partie, de tout
ceo de que autre ad luy
dismisse. Et fait inuent
come un ouert & noto-
rious chose, per means
de que le common people
poyent aver intelligence
de passing ou alteration
de estates de home al
home, que per ceo ils poyent
estre le meliour able pur trier
en que le droit & posses-
sion de terres & tenements

G g fueront,

The Exposition of

neront, s'ils doivent estre em-
panel & iurey, ou auerment
ont a faire concernant ceo.

Le common maner de
Linerie de Seisin, est en cest
fort fait: Si il soit en le o-
uert champ ou ne soit edi-
fices, on meafor, donques
vn que poit lyer, prist le
fait en son maine, si le stare
passera per fait, & declara-
ra al eux, que la sont le cause
de leur venter la ensemble,
& donques ouertment l'un
le fait, ou declare le effect
de ceo en Anglois, & a-
pres que il est seale, le
partie que est a depa-
ter que le Terre, prist le
fait en li maines ense-
mble ouesque vn clod del
Terre, & vn twigge ou
bough, sil y ad aucun la
& tout ceo il deliuer al
autre partie en le nofme
de possession ou seisin,
secondant al forme &
effect del sayt, que de-
uanteux fait la lye ou de-
clare. Mes sil soit vn habi-
tation ou edifice sur le
Terre, donques ceo est
fait la a dore de ceo, nul
esteannt relinquish a cest
temps deins le meafon,
& le partie deliuer tout
les auandits ensemble
ouesque le annuel de

force, if they should be im-
pannelled in iurion, or
they shal haue to do concern-
ing the same.

The common maner of
deliuerance of seisin, is after
this sort made: If it be in
the open field, where is no
building, as house, then
one that can reade, taketh
the writing in his hand,
if the estate shall passe by
Deeds, and declareth to the
standers by, the cause of
their meeting there toge-
ther, & then openly
readeth the same, & declar-
eth the effect thereof in
English, and after that is
sealed, the partie who is to
depart from the ground, tak-
eth the deed in his hand, &
together with a clod of the
earth, and a twigge or bough,
if any bee there, and all
this he deliuereth to the
other partie, in the name of
possession or seisin, accord-
ing to the forme and effect
of the Deed, which before
them was there read, as
declared. And if there be
a dwelling house or build-
ing upon the land, then
this is done thus: At the
dore of the same maner be-
ing left at that time, both
in the house, and the partie
deliuereth all the auandits
together, with the writing of
the

the doore in the name of
feisin of possession, and he
that receiveth the Livery
entereth in first alone, and
shuteth too the doore, and
presently openeth it againe
and letteth them in, &c. If
it be of a house where to is
no land or ground, the li-
verie is made, and posses-
sion taken by the deliverie
of the key of the doore,
and door entry. And where
it is without doore, cyther
of Landes or Tenements,
there the partie declareth
by word of mouth before
witness, the date that hee
meaneth to depart with,
and then delivereth the
possession, in manner as
is aforesayd: And so the
land or tenement doth passe
as well where there is no
doore, as by doore, and that by
force of the livery of feisin:
It was agreed in Graies Inne
by the right Wor-
shipfull M^r. Snagge, at his
reading there in Summer,
Anno 1574. That if a free-
sore deliver the doore in
viche of the Land, in name
of feisin, that is good, be-
cause that hee hath a posses-
sion in himselfe. But other-
wise it is of an attorney,
for he shal goe to the Land,
and take possession himselfe,
before that hee can give pos-

le doore en nosme de sei-
sine ou possession, & il
que receiva le Livery en-
tra primes seul, & shut-
ta le doore, & pre-
sentment ouert ceo, & lessa
eux eins, &c. Il soit de
vn meason a que est nul
Terre, le Livery est fait,
& possession prise per le
delivrie del ahuel de le
doore & fait sollement.
Et ou il est sans sayt de
Terres ou Tenements, la
le partie declare per par-
rol deuant telmoines,
le eslar ouesque il en-
tende de departir, & don-
ques delivier feisin ou pos-
session en manner come est
aavant d^{it}. Et ainsi le Terre
ou tenement passera cy-
bien lou il nad fait, come
per sayt, & ceo per force
de Livery & Seisin.
Il fut agree en Graies Inne
p le droit Worshipful Ma-
ster Snagge, al son Lectore
la en Summer Anno 1574.
Que si un free-sore delivier
la fait en viche del Terre, en
nosme de Seisin, que il est
bone, parceoque il ad un
possession en luy mes-
mes. Mes autrement est
dun Attorney, car il doit
aler al Terre, & prise pos-
session luy mesme, de-
vaunt que il poit donner pos-
session.

The Exposition of

session al autre, accordaunt
al parols de son garrant, &c.
Et lou liuerie de seisin est
per le viewe, si le Feoffee ne
entra pas puis, &c. nul
chose passa, car il doit enter
en fait.

session to another, according
to the wordes of his war-
rant, &c. And where liue-
tie of seisin is by viewe, if
the feoffee bee not enter af-
ter, &c. nothing passeth, for he
ought to enter in deed.

Lothervit.

Lothervit, hoc est, quod
capitis emendat ab ip-
so qui corrumpit vestram
natiuam sine licentia ve-
stra.

Lothervit.

Lothervit, that is, that
you may take amends of
him which doth defile your
bondwoman without your
licence.

M.

Maimim ou Maimie.

Maimim est l'ouper le tor-
tious Act d'auter, ascun
member est dampniee ou
tolle, per que le partie soit
dampniee est fait imperfect
a combatte: Come si vn offe
soit prise hors del test: ou
vn offe soit debruisse en ascun
auter part del corps, ou vn
pee, ou maine, ou digit, ou
toys d'un pee, ou ascun mem-
ber soit sey: ou p' ascun plage
les nerues sont fait de thri-
ket, ou auter mecher, ou les di-
gits fait curue, ou si vn oyle
soit mise hors, ou les ante-
rior dets debruisse, ou ascun au-

Maimim ou Maimie.

Maimim is wheraby the
wongfull Act of ano-
ther, any member is hurt
or taken away, wheraby
the partie so hurt is made
unpette to fight: As if
a bone bee taken out of the
head: Or a bone be broken
in any other part of the
bodie, or foot, or hand, or
finger, or toyt of a foot,
or any member bee cut:
or by some wound the sin-
nues bee made to thrike,
or locher member, or the
fingers made crooked: or
if any eye bee put out, or the
fogette broken, or any o-
ther

ether thing hurt in a mans body, by meenes wherof he is made the lesse able to defend himselfe, or offend his enemy.

But the cutting off of an Ore or Nose, or breaking of the hinder teeth, or such like, is no Mayhem, because it is rather a deformitie of body, than diminishing of strength, and that is commonly tryed by withholding the party by the Iustices. And if the Iustices stand in doubt whether the hurt bee a Mayhem or not, they doe and will of their owne discretion take the helpe and opinion of some skilfull Surgeon, to consider thereof before they determine upon the cause.

Mainprise.

Mainprise, is when a man is arrested by Capias, then the Iudges may deliver his body to certain men for to keepe, and to bring him before him, at a certain day, and then he is called Mayhemers, and if the party appeare not at the day assigned, the mainperners shall be amerced.

ter chose en le corps dun home, per raison de quel il est fait le meines able pur defender luy mesme, ou offend son enemy.

Mes le seire de vn orial, ou nase, ou lenfrieder del dents moliers, ou tiels semblables, nest aucun Maihem, pur ceo que il est plus vn deformitie de le corps, que vn defect del strength, & ceo est communement try per le inspection del Partie per les Iustices. Et si les Iustices sont en doubt si le damage soit vn Maihem, ou nemy, ils vse, & voylent de leur grant discretion prendre le ayde & opinion de aucun credite Surgeon, p consider de ceo deuant que ils determine sur le case.

Mainprise.

Mainprise, est quant vn home est arest per *Capias*, donque les Iudges poient deliuer son corps a certaine homes pur garder & de luy amener deuant eux a certain iour, & eux s'ot appellees mainpernors, & si le party ne appeare al iour assigne, le Mainpernors seront amercie.

The Exposition of

Mannor.

Mannour.

Mannor est vn chose compo-
pound de diuers choses,
come de vn incason, terre cr-
table, pasture pree, boys,
sent, aduowson, Court Ba-
ron, & tiels semblables q'ux
sont vn mannor. Et ceo doit
estre per amik: continuance
de temps, cuius contrarium
memoria hominum non ex-
istat, car a ceo iour vn man-
nour ne poit estre fait, pur
ceo que vn Court baron ne
poit estre fait ore, & vn man-
nour ne poit estre sauns vn
Court baon & suiters ou
franktenants, deux al meins,
car si tous les franktene-
ments forsque vn escheate al
Seignour, ou si purchase
tous preter vn, la son man-
nour est ale, pur ceo que il ne
poit estre vn mannour sauns
vn Court Baron (come auã-
dit.) Et vn Court Baron ne
poit estre tenu mes deuant
suiters, & nemy deuant vn
suter, & ideo lou forsque vn
franktenement ou frankte-
nant est, la ne poit estre man-
nor proprement, coment en
common parlant ceo poit e-
stre appel vn mannor.

Mannour is a thing com-
poued of diuers things
as of a house, Land ar-
able, Pasture, Meadow,
Wood, Rent, Aduowson,
Court baron, and such like
which make a mannor: And
this ought to be by long
continuance of time, to the
contrarie whereof, many
memories sheweth hereof;
for at this day a Mannour
cannot be made, because
a Court Baron cannot
now be made, and a man-
nour cannot be without a
Court baron, and suiters
or freeholders, thus at the
least, for if all the free-
holders except one Escheate
to the Lord, or if he pur-
chase all except one, there
his Mannor is gone, for that
it cannot be a mannor with-
out a Court Baron (as is
always said.) And a Court
Baron cannot be holden
but before suiters, and not
before one suter, and there-
fore where but one free-
hold or freeholder is there
cannot be a Mannour pro-
perly, although in common
speech it may be called a
Mannor.

Manumission.

Manumission.

Manumission.

Manumission is the making of a bondman to be a freeman, and may be in two sorts, the one is manumission expresse, the other a manumission implied or secret.

Manumission expresse, is where the Lord maketh a deed to his villeine to enfranchise him by this word (*Manumittere*) which is as much to say, as to let one go out of another mans hands or power.

The manner of **Manumitting** or **Infranchising** in olde time most usually was thus: The Lord (in presence of his neighbours) took the bondman by the hand, saying, I will that this man be free, and therewith he took him for-ward out of his hands, and by this he was free without more words.

Manumission implied without this word (*Manumittere*) is when the Lord maketh an obligation to his villeine to pay him money at a certaine day, or send him where he might enter without suit, or granteth unto his villeine an annuities, or leasehold land

Manumission est le faisant dun que est villeine de estre franke, & puit estre en deux sorts, le vn est vn **Manumission explicita**, lautre vn **Manumission implicita**.

Manumission explicita, est quant le Seignieur fait vn fait al son Villeine par luy enfranchiser per cest parol (*Manumittere*) quod idem est quod extra manum, vel extra potestatem alterius ponere.

Le manner de **Manumitting** ou **enfranchising** en temps passe plus vsualmente fut issint: Le Seignieur (en presence de ses vicines) prist le villeine per le rest disant, Ieo voyle que cest home soit franke, & oue ceo il luy mise auant hors de ses maines, & per ceo il fut franke sans ascen plus faire.

Manumission implicita sans cest parol (*Manumittere*) est quant le Seignieur fait vn obligation a son villeine a payer a luy money al vn certain iour, ou luy sue lou il poit enter sans suite ou grant al son villeine vn annuities, ou lessa terre

The Exposition of

a luy p fait purans, ou pur
vie, & en diuers tiels sembla-
bles cafes, le villeine perco
est fait franke.

to him by deed for years, or
for life, and in diuers such
like cafes, the villaine ther-
by is made free.

Maximes.

Maximes.

Maximes, sont les founda-
tions del Ley, & les con-
clusions de reason, & sont
causes efficient, & certaine
vniuersall propositions, cy
sure & perfect que ils ne
poyent estre a aucun temps
impesch ou impugne, mes
doient tous foits estre ob-
serue & tenus cōe fort prin-
cipes & authorities de luy
mesmes, nient obstant ils ne
poyent estre proue per force
de argument ou demonstra-
tion logical, mes sont connus
p induction p le voy d sence
& memory: Come pur ex-
ample, il est vn Maxime, que
si vn hom ad issue deux fis
p diuisiens, & le vn de eux
purchase terres in fee & mor-
tuit sans issue, l'autre fis ne
vauques serra son heire, &c.

Item il ē vn aut Maxime,
q terres discedera del pere
al fis, mes nemy del fis al
pere, car c'est vn ascension,
&c. Et diuers tiels sembla-
bles il y ad, dont veies plus
en le Doctor & Student.

Maximes be the foundati-
ons of the Law, and the
conclusions of reason, & are
causes efficient, and certain
vniuersall propositions so
sure and perfect, that they
may not be at any time im-
pached, or impugned, but
ought alwayes to be obser-
ued, and holden as strong
principles and authorities
of themselves, although they
cannot be proued by force of
argument or demonstrati-
ons logical, but are known
by induction by the way of
sence and memory: For ex-
ample, it is a Maxime,
that if a man haue issue two
sons by diuision, and
the one of them purchase
lands in fee, & die without
issue, the other brother shall
nauer be his heire, &c.

Also is another maxime,
that lands shall descend to
the father to the sonne, and
not from the sonne to the fa-
ther, for that is an ascension,
&c. And diuers such there be
between son and father,
Doctor and Student.

Maynour.

Maynour.

Maynour.

MAynour is when a thiefe hath stolne, and is folloved with her and cris o t hen, having the found a- bout him which her stole, that is called the maynour. And so was commonly use to say, when the thiefe was being of an unlawful act, that he took her with the maynour, or manner.

MAynour est quant vn laron ad emblee, & est pursue oue huy & cry & prise, ayant ceo troue ouesq; luy que il ad emblee, ceo est appelle maynour. Et issint communément vse par dire quant nous trouuons vn felon de vn illoyal act q nous luy prist ouesque le mainour ou maner.

Maintenance.

Maintenance.

MAintenance is where a- nys man giueth or deliuereth to another that is plain- tife or defendant in any ac- tion, any sum of money or other thing for to maintaine his plea, or else maketh ex- treame labour for him when he hath nothing therewith to do, then the partie grie- ued shall have against him a writ called a writ of Main- tenance.

MAintenance est lou ascun home done ou deliueré vñ auter que est plainse ou defendant en ascun action, ascun somme d'argent, ou auter chose p maintenir son plee, ou fait extream labour pur luy quant il nad riens a ceo faire, donques l'aut party greuee auera vers luy vn bre appelle briefe de Mayntene- nance.

Meine.

Meine.

MEine is where the owner of lands or tenement holdeth of one by certain seruice, and he holdeth them of another by like or other seruice, then he which holdeth the lands

MEine est lou le owner del terres ou tenementa ceux tener de vn per cer- teine seruice, & il ceux tenoit de vn auter per au- tiels ou auter seruices, la cestuy que tient les terres est

The Exposition of

est appell tenaunt parauaile,
& cestuy de que il reigne
est appelle Mesne, & cestuy
de que le Mesne tenoit est
appell Seignior Paramount.
Eten cest case si le Seignior
Paramount distraigne le te-
nant pur le seruice le Mesne
que luy doit acquiesce al Sei-
nior paramount, donques le
tenant auec vn Briefe vers le
Mesne, que est appell Briefe
de Mesne, & si il ne vient
pur acquiesce le tenant, donqs
le Mesne perdra le seruice
le tenant, & sera forciudge
deson Seignorie, & le te-
nant sera tenaunt immed-
iate al chief Seignior, &
sera mesmes le seruice de
suis come le Mesne fist al
Seignior.

is called tenant parauaile,
and he of whom it is held,
is called Mesne, and he of
whom the Mesne holdeth,
is called chief Lord. And
in this case if the Lord a-
bove distrains the tenant
for the service of the mesne,
which ought to acquit him
to the Lord above, then the
tenant shall have a writ a-
gainst the Mesne, which is
called a writ of Mesne, and
if he come not to acquit the
tenant, then the Mesne shall
lose the service of the tenant
and shall be forciudged of
his Seignorie, and the te-
nant shall be tenant immed-
iate to the chief Lord, and
shall do the same service and
sutes as the Mesne did to
the Lord.

Misprision.

Misprision est quant as-
cun sciet que vn autre
ad fait Treason ou felony,
& il ne voyle luy discouer
al Roy, ou son Councell, ou
a aucun Magistrate, eins con-
ceala son offence. Diuers
autres offences sont appelle
Misprision: sicome n Chap-
leine ad fixe vn auncient
Eale dun Parent, i vn nouel
Parent de Non-residence,
& ceo fuit tenuis deffe Mis-

Misprision.

Misprision is when one
knoweth that another
hath committed Treason
or felony, and will not
discouer him to the King, or
to the Councell, or to any
Magistrate, but doeth con-
ceale the same. Others o-
ther offences be called mis-
prision: as when a Chap-
leine had fixed an old seal
of a Parent, to a new Pa-
rent of Non-residence, and
this was holden to be Mis-
prision

prison of Treason only, and no counterfeiting of the Kings seale.

Also if a man know money to be counterfeited, and bring the same out of Ireland hither into England, and utter it in payment, this is but Misprision of Treason, and no Treason, and so it is in diuers such like cases.

And in all cases of Misprision of Treason, the parties offenders shall forfeit his goods for ever, and the profits of his lands for terme of his life, & his body to prison at the Kings pleasure.

And for Misprision of felony or trespass, the offender shall be committed to prison, untill he have found sureties or pledges for his fine, which shall bee assessed by the discretion of the Justices before whom he was committed.

And note, that in crime Treason or Felony, is included Misprision, & where any hath committed Treason or felony, the King may cause the same to be indicted and arraigned but of misprision only if he will. See more hereof Stamford lib. 1.

prison de Treason tantum, & nul counterfeit del seale del Roy.

Item, si vn autre sciet money destre faux, & port ceo hors de Ireland en Engleterre, & utter ceo en payment, ceo est forsque Misprision de Treason, & nemy Treason, & issint est en diuers tich semblable cases.

Et en tous cases de Misprision de Treason, le partie offender forfeitera ses biens a tous iours, & les profits de ses tres pur terme de son vie, & son corporal prison, al pleasure del Roy.

Et pur Misprision de Felony ou Trespasse, le offender serra commital prison, tanque il ad troue sureties ou pledges p son fine, que serra assesse per le discretion d les Justices deuant que il soit conuict.

Et nota, que en chescun Treason ou Felony, est include misprision, & lon ascu ad fait Treason ou Felony, le Roy poit causer luy destre endicte & arraigne forsque de misprision seulement si il voyle. Vide plus d Stamford lib. 1.

Stamford lib. 1.

*Monstrans de Faits ou
Records.*Showing of Deedes,
or Records.

Monstrans de Faits, ou Records, est, siccome par exemple, vn action de Det soit port enuers vn sur vn obligation per un ou per exccutours, &c. la apres que le plaintife ad declare, il doit monstre son obligation, & le exccutor le testament al Court, & issint est de Records.

Shewing of Deedes, or Records, is, as if for example, an action of Debt be brought against one upon an Obligation by one, or by Exccutors, &c. there after that the Plaintiffe hath declared, he ought to shew his Obligation, and the exccutor the testament to the court, & so it is of records.

Et le diuersite perenter monstrance de faits ou records, & oyer de faits ou records, est issint, il que pleade le fait ou record, ou declare sur ceo, a luy il appartient de monstre ceo. Et l'auter vers que tiel fait ou reorde est pleade ou declare, & est per ceo destre charge, poit demand oyer de ceo fait ou record, que son aduersarie port, ou plead vers luy.

And the diuersitie be shewing shewing of verbes or records, and hearing of verbes or records, is thus, he that pleades the deed or record, or declares upon it, to him it doth appertaine to shew the same. And the other against whom such deed or record is pleades, or declared, and is thereby to be charged, may demand hearing of the same deed, or record, which his aduersarie bringeth, or pleadeth against him.

Mordauncester.

Mordauncester.

Mordauncester, vide de ceo denaunt en le title of inage.

Mordauncester, Looke for that befoze in the title of inage.

Monstra-

Monstraverunt.

Monstraverunt.

MONstraverunt is a writ, and it lyeth for the Tenant in ancient demesne, and is directed unto the Lord, him commanding that he distraine not his tenant for to do other service than he ought not to do, and they may have this writ directed to the Sheriff, that he suffer not the Lord to distrain the said Tenant for to do other service.

Also if the tenants cannot be in quiet, they may have an attachment against the Lord, to appear before the Justices, & all the names of the tenants shall be put in the writ, though but one of them be grieved only.

Also if any lands in ancient demesne be in variance between the tenants, then the tenant so grieved, shall have against the other a writ which is called of Right close after the custom of the maner, and that shall be always brought in the Lord's Court, and shewing on he shall declare in the nature of what writ hee sueth, and his case lyeth, and this writ shall not be removed, but for a great cause, as no power of the court.

MONstraverunt est un brieve & gift, par le teneant en ancient demesne, & est directed al Seignieur, luy commandant que il ne distrain son teneant pur faire auter service, que faire ne duist, & ils poient au cest bfe direct al vic, q il ne suffer le Sür a distrain lesdits tenants pur faire auter service.

Auxy si les tenants ne poient estre en quiet, ils poient aver un Attachement vers le Seignieur, l'apparaissant devant les Justices, & toutes les noms des tenants seront mise en le brieve, comment que forsque un de eux soit greü seulement.

Auxy si aucun Terre en ancient demesne soit en variaunce enter les tenants, donques le teneant issint greü, auera vers l'auter brieve quod vocatur Droit close secundum consuetudinem manerij, & ceo sera tous foies port en le Court le Seignieur, & sur ceo il countera en le nature de quel brieve il voit, come son case gift, & cest brieve ne sera remouue sinon pur grand cause, ou non power de le Court.

Auxy

The Exposition of

Auxy si le Seignour en
aüter lieu hors de auncien
demesne distraine son
tenant de faire aüter service
que il doit, il aucta brieve
de Droit, appelle *Ne in
iusseuere*, & cest vn brieve
de droit patent que sera
mie per batel ou grand
office.

Mortgage on Mortgage.

Mortgage on Mortgage
is when a man maketh
a feoffment to another
on such condition, That if
the feoffour pay to the feof-
see at a certain day 40 li.
of money, that then the
feoffour may re-enter, &c. in
this case the feoffee is cal-
led Tenant in Mortgage.
And as a man may make
a feoffment to feoff in Mor-
gage, so he may make a
gift in Lease, or a Lease for
term of life, or for term of
years in Mortgage. And if
someth that the cause why
it is called Mortgage, is
for that it standeth in doubt,
whether the feoffor will pay
the money at the day ap-
pointed or not, and if he
suple to pay, then the land
which he layd in mortgage upon
condition of payment of the
money, is gone from him

Also if the Land in an
other place out of auncien
demesne distraine his
tenant to see other service
than he ought, he shal haue
a brieve of Mortgage, called *Ne
iniuste vexes*, and it is a
brieve of right patent which
shall beayed by batell or
grand office.

Mortgage or Mor- gage.

Mortgage by Mortgage
is when a man maketh
a feoffment to another
on such condition, That if
the feoffour pay to the feof-
see at a certain day 40 li.
of money, that then the
feoffour may re-enter, &c. in
this case the feoffee is cal-
led Tenant in Mortgage.
And as a man may make
a feoffment to feoff in Mor-
gage, so he may make a
gift in Lease, or a Lease for
term of life, or for term of
years in Mortgage. And if
someth that the cause why
it is called Mortgage, is
for that it standeth in doubt,
whether the feoffor will pay
the money at the day ap-
pointed or not, and if he
suple to pay, then the land
which he layd in mortgage upon
condition of payment of the
money, is gone from him

for ever, and so dead to him upon condition: that if he pay the money, that is the gate dead as to the tenant, that is to say, the father, and for this cause it is called in Latine Mortuum Vadium, as Spenser Littleton saith, of another Mortuum vas, as I shew'd.

This is a feoffment, bee made in Spaigne upon condition, that if the feoffor pay such a summe at such a day, &c. and the feoffee dye before the day, yet if the heire of the feoffor pay the same summe at the same day to the feoffee, and the feoffee refuseth it, then the heire of the feoffor may enter: But in such a case, if there bee no day of payment expressed, then such render of the heire is void, for that that when the feoffor dyeth, the time of tender is past, for otherwise the heire of the feoffor shall during time of the render for ever, which shall bee inconvenient, that one shall have a fee simple to him and to his heire, which shall bee defensible against all the pleasure and will of others, but in the first case the time of tender, shal not expyre by the death of the feoffor.

a tousiours, & iſſint mort
a luy ſur condition: Mes ſi
il paya le money, doncques
eſt le gage mort quanta le
Tenaunt, ceſſaſcavoir, le
ſeoffee, & pur ceſt caſſe il
eſt appelle en Latin, *Mortu-
um vadum*, come Monsieur
Littlemardis, ou *Mortuū
vā*, come ieo penſe.

Auxy li seoffement soit fait en Mortgage sur condition; Que si le seoffour paya tyel somme a tiel iour, &c. & le seoffour mourust deuant le iour, virecote si le heire le seoffor payz mesme le somme a mesme le iour al seoffice, & le seoffice ceo refusa, donques le heire le seoffice poit enter: Mes en tiel case si ne soit aucun iour de payment expresse, donquestiel tender del heire est voyde, pur ceo que quauant le seoffour mourust, le temps del tender est past, ou autrement les heyres le seoffour aueront tēps del tend a tout iours, que sera inconuenient, que vauera vn fee simple a luy & a ses heirs q se fera desible tous foits a le plaisir & volunt de auter, mes en le primer case le temps del tender ne suit expresse y la mort le seoffor.

Mordi.

The Exposition of

Moderata misericordia.

Moderata misericordia.

Moderata misericordia est unbriefe, & gist lou honne est amerceden Court Baron, ou Countie, plus que deuer este, donques il auera cest Briefe direct al Viscount si soit en le Countie, ou al Bayliffe si soit en Court Baron, car commandant que ils ne soy amercedent, mes eient regard al quantitie del trespassse, & s'il ne soit sur cel briefe, donques il sera veratux *vn Sicut alia*, & *Causam nobis significes*, & apres ceo *vn Attachment*.

Moderata misericordia is a writ, and it is such before a man is amerced in Court Baron, or Countie, more than he ought to be, then he shall have this writ directed to the Viscount if it be in the Countie, or to the Bayliffe if it be in the Court Baron, commanding them that they amerce him not, but having regard to the quantitie of the trespassse, and if they do not upon this writ, then shall go forth against them a Sicut alia, and Causam nobis significes, and after that an Attachment.

Mortmaine.

Mortmaine.

Mortmaine est lou Terres sont dones a meason de Religio, ou a vn auter copay que sont corporate p le grant le Roy, donque cest terre est devenu en *Mortmaine*, cest adire en Anglois, a dead hand, & donque le Roy ou le Seignour de que le Terre est tenuz poit entre, come appiert per lestatute de Religio, ideo vries lestatute. Auxy li va fait

Mortmaine is where lands are given to a house of Religion, or to another corporate which has succeeded by the King's grant, then the King is come into *Mortmaine*, that is to say in English, a dead hand, then the King, or the Lord of whom the land is held, can not sue, as it was granted by the Statute of Religion, therefore for the Statute. And thus make a profit.

The Exposition of

marrie oue le mier del Ba-
stard, ont vn auter friz,
cest second fis est appelle
Mulier, cestadire, loial, &
sera heire a son pier: mes
le an'et ne poit estre heire al
aucun home, pur ceo que
il n'est conus ne certaine
en le iudgement del ley que
fuit son pier, & pur cest
cause est dir, deke nullus
filium, ou filius populi, &
issint fauns pier, accordaunt
al cestuy viel verset.

*Qui pater est populus, pater
est filius nullus & omnis
Cui pater est populus, non
habet ipse patrem.*

En tous foiz vous trou-
uerez adition al eux (Bastard
eldest, & Mulier puisoe)
car ils sont compare en-
semble.

Murder.
Murder est vn voluntarie
occider d'un home sur
malice prepense, & sen-
ble deuenir de la Saxon parol
Mordens, que issint signifie.
Le aduantage de le Murderer
est que al cest iour en euz in
Saxony, de que nous auons
muise de nostre parol.

married the mother of the
Bastard, and they haue an-
other sonne, this second
sonne is called Mulier, that
is to say, lawfull, and shall
bee heire to his father: But
the other cannot bee heire
to any man, because it is
not knowne nor certaine in
the iudgement of the Law,
who was his father, and
for that cause is sayd to bee
no man's sonne, as the sonne
of the people, & so without
father, according to these
sayd verses.

To whom the people fa-
ther is, to him is father none
at all.

To whom the people fa-
ther is, well, fatherlesse we
may him call.

And alwaies you shall
finde this addition to them,
(Bastard eldest, and Mu-
lier youngest) when they be
compared together.

Murder.
Murder is a voluntarie
killing of a man bene-
lice thought, and se-
med to come of the Saxons
word Mordens, which is
gentleth, and Mordens
is the murdres, even thus
this day amongst them is
Mordens from whence the
word murder is come.

as hath bene often sayde.
Or it may be deriued of
Mort and die, as *Mors di-*
ra. See *Stamf. Pleas of the*
Crowne lib. 1.

come ad estre souent dit.
Ou poiestre deriue de *Mort*
de dire, quasi *Mors dira.*
Veies Stamf. Pleas del Coron.
lib. 1.

Naam.

Naam is the attaching
or taking of the mo-
uable goods of another
man, and so either law-
full or unlawful. Law-
full Naam is nothing else
but a reasonable distress
according to the value of
the thing for which the dis-
tress is. See more of
this, *Hornes Mirrour of Lu-*
stices lib. 2.

Naam.

Naam est le puruer ou
apprehension des biens
mouables d'un autre homme,
et il est ou loyal ou il-
loyal. Naam est siens
auter que vn reason-
nable distresse accordaunt
al value del chose pour que
distresse est fait. Veies plu-
is de ceo, *Hornes Mirrour de*
Iustices lib. 2.

Natino habendo.

Natino habendo is a writ
that is used where the
villain of the lord
is gone from him, then the
lord shall have this writ
directed to the sheriff, that
he make the lord to have
his villain or quite with all
his goods.

Natino habendo.

Natino habendo est vn
Briefe, & gist lou le vil-
lain du nief d'un Seignil-
our est ale de luy, donques
le Seignior auera cest bre di-
rect al vic, que il face le srr
auter son villain ou nief
quelque tours ses chateux.

Also in this writ, more
villains or niefes may be
demanded que deux, mes
aux autres villaines ou

Auxy en cest brief plusors
villaines ou niefes ne purront
commander que deux, mes
aux autres villaines ou
niefes

The Exposition of

niefes que voient, loyntm̄t
poient porter briefe de Liber-
tate probanda.

Auxy si vn niefes port brief
de Libertate probanda, auant
que le S̄r port cest Briefe,
doncs le villeine pl' ou niefes
ferra en peuce ieq; al venue
des Iustices ou autermēt son
briefe ne luy aydera.

Auxy si vn villeine ad de-
murren auncient demesne
per vn an & iour sans clame
del Seignour, donques il ne
poit luy seiser d'insle de
franchise.

Ne admittas.

Ne admittas est vn Briefe
direct al Euesque al suit
de va que est patron de as-
cun Eglise, & il doubta que
Leuesque voit collate vn son
Clerke, ou admit vn auter
Clerke p̄sent per auter home
al dit benefice, doncs il que
cep doubta, auera cest Briefe
de inhibiter le Visc' de col-
later ou admitter ascun a son
Eglise.

Non amittas propter libertatem.

Non amittas propter li-
bertatem est vn Briefe
& gilt leu le Viscount re-

niefes as will, loyntly may
bring a writ de Libertate
probanda.

Also if a villeine as niefes
bring his writ de libertate
probanda, before that the
Lord bring his writ, then
the villeins plaintiff shall be
in pease till the coming
of the Iustices, or else his
writ shall not helpe him.

Also if a villein haue ter-
rit in an ancient demesne
one year and a day with-
out clame of the Lord, then
he cannot seise him in the
said franchise.

Ne admittas.

Ne admittas is a writte
directed to the Bishopp
at the suit of one which is
patron of any Church, and
hee doubted that the Bishop
will collate in his Clerke,
or admit another Clerke
presented by another man
to the same benefice, then
he that doubted it shall haue
this writ to forbid the Bi-
shop to collate or admit any
to that benefice.

Non amittas propter libertatem.

Non amittas propter li-
bertatem est vn Briefe
directed to the Viscount re-

turneth upon a writ to him directed, that he hath sent to the Bailiff of such a Franchise which hath returned of writs, and he hath not served the writ; then the plaintiffe shall have this writ directed to the Sheriffe, that hee himselfe enter into the Franchise and execute the kings writ.

Also the Sheriffe shall warne the Bailiff that hee bee before the Iustices at that day contained in the writ. If he come not, & excuse himselfe, then all the writs iudiciall which shall passe out of the kings court during the same plea, shall bee writs *De non omittas*, &c. and the Sheriffe shall make execution of them hanging that plea.

corne sur brieves a luy direct, que il ad mand al Baillife de tel Franchise que auer retourned des Brieves, & il n'ad servié le Brieve, donques le plaintiffe auera cest Brieve direct al Viscount, que il luy mesme enter in le Franchise & execute le Brieve le Roy.

Auxy le Viscount garnera le Bailife que il soit devant les Iustices al iour contenu en le Brieve, & si ne vient & lay acquite, donques tous les brieves iudicials qui passeront hors del Court le Roy durant mesme le plea, seront brieves *De non omittas*, &c. le Viscount fera execution de eux pendant cel plea.

Negativa pregnans.

Negativa pregnans.

Negativa pregnans is when an Action or Information is such like is brought against one, and the Defendant pleads in barre of the Action, as whether he is a Negative plea, which is not so speciall an answer to the Action, but that it includeth also an Affirmative. In such a case If a writ of Habeas corpus Proviso, is brought

Negativa pregnans est quant un Action ou information, ou tiel semblable Suite est port enuers un, & le Defendant pleade en barre del Action, ou autrement un Negatiue plea, que n'est cy speciall answer al Action, mes que il enclue auxy un Affirmatiue: Come par exemple, si en Brieve de Entraire en casu proviso, port

The Exposition of

per cestuy en le reuerſion
pur vie, ſuppoſaunt que il
ad alien en fee (que eſt vn
forſeiture de ſon eſtate) &
le tenant al brieſe al dit que
il nad alien en fee, ceſt vn
Negative, en que eſt en-
clude vn affirmatiue: car
nient obſtant il ſoit veray
que il nad alien en fee, vn-
core il poit eſtre que il ad
fait vn eſtate en taile (le
quel eſt auxy vn forſei-
ture) & donques le entree
de celuy en le reuerſion eſt
loyal, &c.

Item on vn *Quare im-
pedi*, le Roy fiſt title de
preſenter a vn Prebend, ra-
tione que les Temporalities
de Leueſquerie ſueront en
ſa maines per le mort de
W. nuper Episcopum, &c.
Le Defendaunt dit que ne
voyda pas eſteants les tem-
poralties en les maines del
Roy per le mort de W. ceſt
vn Negative preignance,
car il poyt eſtre en les
maines del Roy autrement
que per le mort de W. & il
ſuffiſt al Roy ſi ſoit en ſa
maine, &c.

Il ſuit eſt lou vn informa-
tion ſuit port in Scaccario
vers I.S. pur ceo q̄ il achate

by him in the reuerſion by
on Alienation by the Te-
nant for life, ſuppoſing that
he hath aliened in fee (which
is a forſeiture of his eſtate)
& the Tenant to the w^{it}
ſayth that he hath not alle-
ned in fee, this is a Neg-
ative, wherein is included an
Affirmative: for although
it be true, that he hath not
aliened in fee, yet it may be
that he hath made an Eſtate
in taile (which is alſo a for-
feiture) and then the entry
of him in the reuerſion is
lawfull, &c.

Alſo in a *Quare impedi*,
the King makes Title to
preſent to a Prebend, ſay-
ing that the Temporalities of
the Biſhopricks were in
his hands by the death of
W. late Biſhop, &c. The
Defendant ſayth that it was
not his hands being the tempo-
ralties in the Kings hands
by the death of W. this is a
Negative preignance, for it
may be in the Kings hands
otherwiſe than by the death
of W. & it ſufficeth the King
if it be in his hands by any
means, &c.

It ſuit eſt lou vn informa-
tion ſuit port in Scaccario
vers I.S. pur ceo q̄ il achate
by, ſay that he hath bought
well

Wool betweene shering time
and the assumption such a
peare of J. N. The defend.
sayth that he did not buy a-
ny of J. N. as it to allca-
ged &c. this is called a ne-
gative pregnancy, for if he
bought it of any other, yet
he is culpable for the buying

laines perenter shering teps
& assumption tali anno de
L. N. Le defendant dit quod
non emi de L. N. come il est
alleadge, &c. ceo est appelle
vn negative preignans, car
si ceo achate de autre, vncoi
il est culpable pur achater.

Ne iniuste vexes.

Ne iniuste vexes.

NE iniuste vexes, looke
therefoze before in the ti-
tle Monstruanc.

NE iniuste vexes, Vide de
ceci devant, titulo Mon-
struanc.

Niese.

Niese.

Niese is a woman that is
bound, or a villeine wo-
man, but if she marrie a free
man, shee is thereby made
free, because that she & her
husband are but one person
in Law, & she ought to be of
the same nature & conditio-
in Law to all intents, that
her husband is. But her hus-
band is free to all intents
without any condition in
Law, as otherwile: & so by
consequence shee ought
to be, and is free according
to the Nature of her free
husband, & then if shee were
once free & cleere discharged
of bondage to all in-
tents, shee cannot bee niese

Niese est vn feme que est
bonde, ou vn villeine
feme, mes si el marrie vn
franke home, el est perece
fait frank, pur ceo que el &
sa baron sont forsque vn p-
son en ley, & el cōtiē est
de mesme le nature & cōdi-
tion en ley a tous entents
come sa baron. Mes sa baron
est franke a tous entents
sans aucun condition en ley,
ou autrement: & issint per
consequens, le feme coui-
entestre, & est frank accor-
dat al nature son franke ba-
ron, & donques si el soit vn
fois franke & cleeremt dis-
chargede villenage a toutes
entents, el ne poit estre niese

M h + apres

The Exposition of

apres satans especiall act faire per luy, come diuorce, ou conuans en Court de Record, & ceo est en fauour de libertie, & pur ceo vn franke femme sera villeine p. prietel del villeine a sa baron: Mais leur issue sera villeine come leur pere fuit que, est contrary a le Ley ciuile, car la est dit, Partus sequitur ventrem.

Bondage ou Villeinage ad son commencement enter les Hebrewes, & son originall proceeding de Chanaan le fils de Cham, que pur ceo que il auoit derise son pere Noe gisant dissoluement quant il fuit ebrui, fuit punie en son fils Chanaan ouelques penaltie de bondage.

after without especiall act done by her, as diuorce, or confession in Court of Record, & that is in fauour of liberty, and therefore a free woman shall not bee bound by taking of a villein to her husband: But their issue shall bee villeines as their father was, which is contrary to the ciuill Law, for there it is sayd, The birth followeth the belly.

Bondage or Villainage had beginning amongst the Hebrewes, and his originall proceeding of Chanaan the son of Cham, who became that hee had mocked his father Noe to scorn, lying dissolutely when hee was drunk, was punished in his son Chanaan with penaltie of bondage.

Nihil dicit.

Nihil dicit est quant vn action est porteuers vn homme, & le defendant appeare, & le plainitife declare, & le defendant ne voyle responder, ou pleade al action, & ne maintaine son plee, mes fait default, ore sur cest default, il sera condemne quia nihil dicit.

Nihil dicit.

Nihil dicit is when an action is brought against a man, & the defendant appears, the plainitife declares and the defendant will not answer, or pleade to the action, & hee not maintain his plee, but makes default, now upon this default hee shall be condemned, because he saith nothing.

Nihil

Nisi prius.

Nisi prius is a writ directed
all, & yet when an en-
quest is impanelled & retor-
ned before the Justices in
the bench, then the plaintiffe
or def. may haue this writ
directed to the Sheriffe, him
commanding that hee cause
the Enquest to come before
the Justices in the same
countie, at that churing to
be determined, and that for
the easing of the Enquest.

Nomination.

NOMINATION is where one
may in right of his ma-
nor, or otherwise, nominate
and appoint a worthy clerk
or man to a parsonage, vi-
carage, or such like spiritual
promotion. And note that
this nomination ought to
be to another than the ordi-
nary, which other shall pre-
sent him to the ordinary.

Nonabilitie.

NONABILITE is where an
action is brought a-
gainst one, and the defendēt
saith that the plaintiffe is
not able to sue an action,
and demandeth iudgement
if hee shall bee answered.

Nisi prius.

Nisi prius est vn briefe iudi-
cial, & gist quant lenqst
est impanell & retorne de-
uaunt les Iustices in banke,
donques le plainē ou defendēt
poit auer cest briefe direct
al viscont, luy cammandant
que il face venir la Enquest
deuant les Iustices en mes-
me le countie a lour ve-
ner la destre determine, &
ceo par casement del En-
quest.

Nomination.

NOMINATION est lou vn poit
in d oit de son manor, ou
auterment, nominate & ap-
point vn able clerke ou hom
al vn parsonage, vicarage,
ou tiel spiritual promotion.
Et nota que cest nominatiō
doit estre al auter que lordi-
nary, que auter luy presentet
al ordinarie.

Nonabilitie.

NONABILITE est lou vn
action est port vers vn,
& le defendaunt dit, que le
plaintife est non able de suer
ascun action, & demanda
iudgement sil seif responde.

Ily

The Exposition of

Il y ad 6 causes de Nonabitie en le p^r, cōe sil soit vt-
lage, ou alien nec (mes cest
disability est en actions reals
& mix solement, & non en
actions personals, sinon que
il soit vn alien enemy) ou cō-
demne en *Præmunire*, ou p-
fesse en vn Abbe, Priory, ou
Friery, ou excommenge, ou
vn villeine, & sue son Seig-
nior: mes cest darreine nest
plee pur au^t que nest Seig-
nior al villeine. Vide de ceo
Litt^r lib. 2. cap. 11.

There are six causes of
Nonabitie in the p^r, as if
he be an outlaw, or an alien
born, but that disability is in
actions reals & mixt only, &
not in actions personals, ex-
cept he be an alien enemy,
or condemned in *Præmunire*,
or professed into an Ab-
bey, Priory, or Friery, or
excommunicat, or a villeine, &
sue his Lord: But this
last is no plea for another
that is not Lord to the vil-
leine. See more hereof *Litt^r
lib. 2. cap. 11.*

Non omittas.

Non omittas est vn briefe &
gist lon le viscount ad de-
liuer vn briefe al bailife d vn
franchise, en que le party sur
que il est destre serue recide,
& le bailife neglect de ceo
seruer; en ceo case sur le re-
turne del viscount que il de-
liuer ceo al bailif, ceo briefe
ferra direct al viscount, luy
commandant que il neo-
mita pur aucun franchise
de executer le command-
ment le Roy. Veiel N. B.
fol. 44. De ceux le *Regist.*
orig. fol. 82. b. & 151. ad trois
sorts, & le *Regist. In-
diciall* fol. 3. & 56. for-
que vn.

Non omittas.

Non omittas is a writ &
lyeth where the sheriff
hath deliuered a writ to the
bailife of a libertie wherein
the party vpon whom it is
to be serued inhabiteth, and
the bailif neglecteth to serue
it; In this case vpon the
returne of the sheriff that
he deliuered it to the bay-
liffe, this writ shall be dire-
cted to the sheriff, comman-
ding him that hee omit not
for any libertie to execute
the R. commandment. Old
Na. B. fol. 44. Of these the
Regist. orig. fol. 82. b. & 151.
hath three sorts, and the
Regist. indiciall fol. 3. & 56.
but one.

Base

Bare or naked

Contract.

BARE CONTRACT, is to bare a man promise, is to bare a man bargaineth or selleth his lands, or goods, or promise to give to one money, or a house, or to build a house, or do such a thing at such a day, & there is no recompence appointed to him for the doing thereof: As if one say to another, I sell or give to you all my lands or goods, & there is nothing appointed, assigned, or agreed by on what the other shall give or pay for it, so that there is not one thing for another, this is a naked contract, and void in law, and for non performance thereof no action lyeth, for of a naked contract cometh no action.

Nude Contract.

Nude Contract, ou nude promise, est lou vn home bargainé ou vende ses terres, ou biens, ou promise pur don al autre mony, ou vn chival, ou a edifier vn meason, ou faire tiel chose a tiel iour, & la est nul recompence appointa luy pur le faire de ceo: Come si vn dit al autre, Ico vende ou done a vous tous mes terres ou biens, & la est nul chose appoint, assigne, ou agree que l'autre donera, ne payera pur ceo, issint que il n'ad quid pro quo, cest vn nude contract, & voyd en ley, & pur non performance de ceo nul action gist, car, Ex nudo pacto non oritur actio.

Nuisance.

NUISANCE is to bare any man leueth any wall, or stoppeth any water, or doeth any thing upon his own ground, to the unlawful hurt or annoyance of his neighbour, so that the ground may have thereof an Assise of Nuisance. And

Nuisance.

Nuisance est lou ascun home leuie ascun mure, ou estoppe ascun ewe, ou fait ascun chose sur son terre demesme al annoyance son prochain, cessuy que est greue auera ent vn bñc apel Assise de Nuisance. Auxvi fi

The Exposition of

si il que fist le nusans alien
la terre a vn auter, donques
cest briefe serra port enuers
ambideux, come appiert
per le Statute Westmⁱⁿ 2.
cap. 24.

if he that make the nusans
alien the land to another,
then this writ shall bee
brought against them both,
as it appeareth by the Sta-
tute Westm. 2. cap. 24.

Nuper Obijt.

Nuper obijt.

Nuper obijt est vn Briefe, &
gift lou vn ad plusieurs
heires, cestascavoir, plusieurs
files, ou plusieurs fils, si soit
en Gauekind en Kent, &
deuie seisie, vn heire entra
en tout la terre, & donques
les autres que sont tenus de
hors, aueront cest briefe vers
le coheire que est deins. Mes
briefe de *Rationabili* parte
gift en tiel case ou lancestor
fuit vn foits seisie, & nemo-
rust seisie de possession, mes
del reuerfion.

Nuper obijt is a writ, and
is lyeth where one hath
many heires, that is to say,
many daughters, or many
sons, if it be in Gauekind
in Kent, & deith seised, and
one heire entred into all the
land, then the other that he
holdeth out, shall haue this
writ agaynst the coheir that
is in. But a writ of *Ratio-
nabili* parte lyeth in such
case where the ancestor was
once seised, & dyed not seised
of the possession, but in re-
uerfion.

O

Ordal.

Ordal est taunt a dire
come expres crimi-
nis, & fuit antient
manner detryal en criminal
causes, car quant le defen-
daunt effeant arraine plede
rien culpable il puit eslier
le quel il voet mitter
luy mesme sur Dieu &

O

Ordal.

Ordal is as much to
say, as *Prognostic*,
and was an antient
manner of triall in criminal
causes. for when the defen-
dant being arraigned, plea-
deth not guilty, hee might
choise whether hee would
put himself upon God and
the

the Countrey, which is upon the verdict of twelve men, as they are at this day, as upon God only, and therefore it was called, The iudgement of God, presuming that God would deliuer the innocent, and that woman, if hee were of free estate by fire, that is to say, To goe barefooted ouer nine Plow-shares Fire: howe and if he escaped unhurt, then he should bee acquitted, and if not, then hee should bee condemned: And if the partie were of seruile condition, then hee should be tryed by water, which was in diuers manners: For which see Lambert, word Ordalum. But now this Tryall is prohibited by Parliament. See Coke, Lib. 9. Folio 32.

le pais, que est sur le verdict de douze homes, come ils souentiesque a cest iour, ou sur Dieu solement & pur ceo fait appel Iudicium Dei, presumant que Dieu voille deliuer le innocent, & ceste escanoire, sil fuit de frankestate, donques per feu, ceste escanoire, A passera ouster nouem vomeresignos nudis pedibus: Et sil escape illeus, donque il serra acquite, & sil nemy il serra condemne: Et si le partie fuit d'un seruile condition, donque il serra trye per Ewe, que fuit en diuers manieres: Pur queux veies Lambert verbo Ordalum. Mes iammes cest tryal est ouste per Parliament. Veies Coke, Lib. 9. fol. 32.

Ordelse.

Ordelse is where one claims to have the right to land found in the soil of ground.

Outfangeheefe.

Outfangeheefe is that wherein a felon is taken.

Ordelse.

Ordelse est blouche de terre de auer le Ore que est troue en son soile ou terre.

Outfangeheefe.

Outfangeheefe, hoc est: Quod Latrones

The Exposition of

Terre vestra, vel feodo vestro, extra terrā vestram, vel feodum vestrum capti cum latrocinio, ad curiā vestrā revertant, & ibi iudicentur.

your land, or fee, out of your land, or fee, taken with felonie or robbing, shall be brought backe to your court and there iudged.

Oweltie.

Oweltie.

Oweltie est quānt il y ad Seignieur, Mesne, & Tenaunt, & le Tenaunt tient del Mesne per mesme les Services que le mesne tient ouster de le Seignieur Paramount: come si le Tenaunt tient del Mesne per homage, fealcie, & xx.s. de Rent annuelment, & le Mesne tient ouster de le Seignieur Paramount per homage, fealcie, & xx.s. Rent auxy, cest est appelle Oweltie de services.

Oweltie is when there is Lord, Mesne, and Tenant, and the tenant holdeth of the Mesne by the same Service that the Mesne holdeth out of the Lord above him. As if the Tenant hold of the Mesne by Homage, Fealcie, and xx.s. of Rent yearly, & the Mesne holdeth out of the Lord above by Homage, Fealcie, and xx.s. rent also, this is called Oweltie of services.

Oyer de Records & Faits, &c.

Hearing of Records and Deeds, &c.

Oyer de Records & faits, est sicome purexample: un Action de Dette soit portee vers un homme sur obligation, & le defendant apparaisse al Action, & donques prie que il soit oier le obligation ouelle que le plaignif charge luy.

Hearing of Records and Deedes is as for example: an Action of Debt be brought against a man by an obligatib, and the defendant appeares to the action, whereupon prieth that he may heare the obligation wherewith the Plaintiff chargeth him.

Il sicut quānt Executors portent un Action de Dette, & le Defendant de-

So it is when as Executors bring an Action of Debt, and the defendant de-

mandeth

mandeth to heare the testa-
ment, upon this demand
it shall bee read vnto the de-
fendant: But if it bee in an-
other Terme, or after that
the def. hath imparled, then
hee shall not heare it. And
so writeth the Verdes is
to bee vnderstood of Re-
cordes that are assaged a-
gainst him. Also the title
shewing of death.

Oyer & Terminer.

Oyer & Terminer is a
Court called in Latine,
de Audiendo & Terminan-
do, and is lyeth to heare any
great or sudden insurrection
is made, or any other sud-
den Trespasse which requi-
reth hastie reformation, then
the King shall direct a com-
mission to certayne men and
Iustices to heare and to de-
termine the same.

Note that the Iustices
of Assise haue also one Co-
mission of Oyer and deter-
miner directed to them, and
diuers other inhabitants
within the Circuit wher-
into their Circuit extendeth
interiole each of the
Iustices of Assise are of
the Quorum for the hea-
ring and determining of di-
uers offences, which man
knoweth in their Circuit.

mand oier del Testament,
sur cest demanda il sera ly e
al defendaut: Mes si soyt
en un autre terme, ou apres
que le defendaut ad imparle,
donques il nauera le oyer.
Et issint come est dit de
Faits, est desle entende de
Records que s'or alleadge en-
uers luy Veies le Title *Mon-
strans de faits*.

Oyer & Terminer.

Oyer & Terminer est Brieue
appelée Latine, de Au-
dienda & Terminando, &
gist qu'on ait aucun grand ou
soudain insurrection est fait,
ou aucun autre soudain trans-
gression querequiere hastie
reformation, donques le
Roy directera vn Commis-
sion a certayne gens & Ius-
tices de Audienda & Ter-
minando.

Nota que les Iustices de
Assise ont vn Commission
de Oyer & determiner, di-
recte a eux, & diuers autres
inhabitans deins les Coun-
ties, as queux leur Circuit
extende, dont chescun de
les Iustices de Assise sont
del Quorum, par le meulx
Oyer & determiner de di-
uers offences, queux poeuz
aucun, en leur Circuit.

quel, sauns cel commission,
eux ne poient faire.

which without the commis-
sion they could not doe it.

Paine fort & dure.

Painefort & dure.

Paine fort & dure est
vn particulier punish-
ment par tiels que e-
steaunt arraigne pur Felonie
refusount de mitter eux
mesmes sur le vsual Tryal
de Dieu & le Pays, & per
ceo soune mute, ou come
mute en ley r Veles ceo a
large en *Stamford, Pl. Co.
fol. 150.*

Paine fort & dure is
an especial punish-
ment for such as be-
ing arraigned for fe-
lonie, refuse to put them-
selues vpon the common
Tryall of God and the
Country, and thereby
are mute, or as mute in
law: *See this at large
in Stamford, Pl. Co. fol.
150.*

Pape.

Pape.

Pape est vn auncient
nomme fausement arro-
gate, ou haultement vsurpe
per le Euesque del sole Citie
de Rome en Italy, & est
communement appel en
Anglois, le Pope, vn nomme
vraiment mule frequent en
nostre auncient annels Li-
uers, specialint en le temps d
ceux roys, queux grandz, a-
bandonaunts leur Imperial
auctorite, & abaissans eux
mesmes mult debale leur
estat, ne facront hont d'as-
ser vn alien & outlandish

Pape is an auncient
name faulselly arrogated
or proudly vsurped by the
Bishop of the onely Citie
of Rome in Italy, and is
commonly Englished, the
Pope, a name truely much
frequented in our auncient
years Booke, especial-
ly in the times of those
Kings. Who the aucthor-
ization of the Imper-
iall auctorite, and the
kingdome, were be-
come their owne. *See
this at large in
Stamford, Pl. Co. fol.
150.*

Bishop,

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[illegible]

Per que sermão

Vide de ceo apud Titulos
Quid iuris clamat

meurt donc elle fait de la ley

P

que le couple de Com-
mon Ley, le dit couple le

[illegible]

Another partition by agreement is by writing of the parties to make division of the same.

The third partition by agreement is by writing of the parties to make division of the same. The first is by writing of the parties to make division of the same. The second is by writing of the parties to make division of the same. The third is by writing of the parties to make division of the same.

The fourth partition which is by compulsion, is when one of the coparceners is forced to make division of the same. The first is by writing of the parties to make division of the same. The second is by writing of the parties to make division of the same. The third is by writing of the parties to make division of the same.

In Kent the land is divided into three parts.

The first partition is by agreement of the parties to make division of the same. The second is by writing of the parties to make division of the same. The third is by writing of the parties to make division of the same.

The second partition is by agreement of the parties to make division of the same. The first is by writing of the parties to make division of the same. The second is by writing of the parties to make division of the same. The third is by writing of the parties to make division of the same.

The third partition is by agreement of the parties to make division of the same. The first is by writing of the parties to make division of the same. The second is by writing of the parties to make division of the same. The third is by writing of the parties to make division of the same.

In Kent the land is divided into three parts.

nature, ils appel a cest iour
leur partition Shifting, il
mesme parol que les Saxons
vse, nosmement Shifting; que
signifie par faire partition
porenter coheites, & paraf-
signer a chescun de eux leur
portion, en Latin est appelle
Herisfage.

Partition auxy pair est
fait per iointerants ou gent
en commun par leur assent,
par faire entre eux, ou per
briefs per les statuts de 13.
H. 2. cap. 1. & 32. H. 2. cap. 1.

Parties

Parties al fine ou fait, sont
ceux queux sont nosmes
en faits ou fines come par-
ties a ceo, come ceux queux
leuy le fine, & auxy ils a
que le fine est leue. Et ils
que sont vn fait de seoffe-
ment, & ils a que il est fait
sont appellees parties al fait,
& issint en auxy semblables
cases.

Nota que si vn Indenture
soit fait entre deux enmes
gies a ceo en le commence-
ment, & en le fait vn de eux
graunt ou lessa vn chose al
autre que n'est nosme en le
commencement, il n'est partie

nature, they call at this day
their partition Shifting, &
with the same word that the
Saxons vse, namely Shif-
ting, which signifieth to
make betweene others par-
tition, & to assigne to each
of them their portion. In
Latin it is called Herisfage.

Partition also may be
made by Testaments, &
betweene persons by their
assent, & by breve betweene
them, as by statute by the Sta-
tutes of 13. H. 2. cap. 1.

Parties

Parties in fact or deed,
are those which are no-
med in deed, as those who
parties to it, as those that
make the same fine, and also
they to whom the fine is le-
ued. And they that make a
term of seoffment, & they to
whom it is made, are called
parties to the deed, & so in
many other cases.

Parties in fact or deed
are those who are named
in the deed, as those who
make the same fine, and also
they to whom the fine is le-
ued. And they that make a
term of seoffment, & they to
whom it is made, are called
parties to the deed, & so in
many other cases.

to the use, may shall take a
 Patron.

Patron is he that hath the
 advowson of a Church,
 vicarage, or benefice, or other
 promotion belonging to
 the church, or which is in
 gift, and thereby may be
 able to give the same be-
 nefice, or promotion thereto,
 when and as often as it
 falleth void. And this be-
 ing Patron or Patronage,
 hath beginning for the most
 part by one of three things
 namely, either by
 reason of the Foundation,
 for that the patron is him
 which giveth, or those from
 whom the churches were
 founded or builders of the
 church, or by reason of des-
 cension, for that they did
 endow, or give lands to
 the same for maintenance
 thereof, or else by reason
 of the person, because the
 church was set or builded
 upon their lands or grounds.
 And many churches have
 of them all three.

Perquisites.

Perquisites are the advan-
 tages and profits that

al fait, ne prenders viens p
 Patron.

Patron est celuy que ad
 le advowson d'un par-
 sonage, Vicarage, Benefice,
 chapel, ou tiels semblable
 spiritual promotions ap-
 pertient a son manoir, ou au-
 tement en grosse, & per ceo
 peut ou doit donner mesme
 le benefice, ou present a ceo
 quant a ceo, & cy tost que
 il devient void. Et cest estre-
 aunt Patron ou Patronage
 ad commencement pur le
 plus part per un de ceur
 trois voyes, ou l'un d'iceux, ou
 rations, fondation, par ceo
 que le patron ou ses aunces-
 tres, ou ceux a que il clame
 furent founders ou edifi-
 ers de le Eglise, ou rations
 donations, par ceo que ils en-
 dowe ou done Terres a ceo
 pur maintenance, ou aucter-
 ment rations fundi, pur ceo
 que le Eglise fut mise ou
 edifie sur leur soils ou terre.
 Et divers temps per raison
 de ils trois.

Perquisites.

Perquisites sont aduan-
 tages & profits queux
 li 4.

mises a maner, per assu-
alie, & non annuement,
come Escheats, Harriots,
Reliefs, Waifes, Estrayes,
Forfeitures, Amerciements
en court, gards, mariages,
biens, & terres purchasé per
vilaines de le manor, fine
de copiholds, & divers sem-
blables choses, qui ne sont
certains mes happe per chace
aie temps, plus often que
a autre temps. Vide Perkins
fol. 30. & 31.

Perambulationis
facienda.

Perambulationis facienda
est brevis, & gist loij.
seignior giseur va per lau-
ter, & a se en encrochment
faie p long temps, donques
per assent de nobis Seigni-
ors, le Vicount prendra o-
uesque luy les parties de les
vieines, & firaone perambu-
lation, & fuerit les metes de
ils fuerit a deuant. Mes si
un Seignior encroch sur
l'auter, & ne voile fine
perambulation, donques le
Seignior iustice giseur au-
ra breifiers l'auter, que est
appelle de *Rationalibus di-
uisis*.

comes a maner per assu-
tie, and not annuement, as es-
cheats, Harriots, Reliefs,
Waifes, Estrayes, Forfeit-
ures, Amerciements in
court, gards, marriages,
goods and terres purchasid
by vilains of the manor, fine
de copiholds, & divers sem-
blables choses, qui ne sont
certains mes happe per chace
aie temps, plus often que
a autre temps. Vide Perkins
fol. 30. & 31.

Perambulationis
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Perambulationis facienda
est brevis, & gist loij.
seignior giseur va per lau-
ter, & a se en encrochment
faie p long temps, donques
per assent de nobis Seigni-
ors, le Vicount prendra o-
uesque luy les parties de les
vieines, & firaone perambu-
lation, & fuerit les metes de
ils fuerit a deuant. Mes si
un Seignior encroch sur
l'auter, & ne voile fine
perambulation, donques le
Seignior iustice giseur au-
ra breifiers l'auter, que est
appelle de *Rationalibus di-
uisis*.

Petit

Petit Cape.

Petit Cape est un briefe, & est gis quant astun action real, le de plee de terre est port, & le tenant apparece & puis fait default, donques issira cest briefe de Petit cape, de seiser les terres in mains le Roy: Mes sil neappee, mes fait default al primer summon, donques issira vn Grand cape, & par ciel default le tenant perdra la terre, mes sil gage son loy de non summons, ils sauer son default, & donques il poit pleade oueque le demaundant. Et in Grand cape le tenaunt serra summon pur responder al default, & ouster al demaundant. Mes en Petit cape il serra summon pur responder al default seulement, & nemy al demaundant. Et est appelle Petit cape, pur ceo que il ad minus en cel briefe, que en l'auter.

Petit Sericantie.

To hold by Petit Sericantie, is as if a man hold of the King lands in tenements, perving to him a bulle, a butcher, an arrow,

Petit Cape.

Petit Cape est un briefe, & est gis quant astun action real, le de plee de terre est port, & le tenant apparece & puis fait default, donques issira cest briefe de Petit cape, de seiser les terres in mains le Roy: Mes sil neappee, mes fait default al primer summon, donques issira vn Grand cape, & par ciel default le tenant perdra la terre, mes sil gage son loy de non summons, ils sauer son default, & donques il poit pleade oueque le demaundant. Et in Grand cape le tenaunt serra summon pur responder al default, & ouster al demaundant. Mes en Petit cape il serra summon pur responder al default seulement, & nemy al demaundant. Et est appelle Petit cape, pur ceo que il ad minus en cel briefe, que en l'auter.

Petit Sericantie.

Tener per Petit Sericantie est acome vn homme tient de Roy terres ou tenements, rendautra luy vn cuttel, vn escue, vn serc,

vn

Petit

vnarke sans cord, ou autre
semble seruire, & la volent
le premier scoffor, & la nap-
pent gard, mariage, un-
licite. Et nota que homme
pouit tener par grand. Se-
leantie, ne par petit. Se-
leantie, sinon del my.

Pipewinders.

Pipowders, est vn Court q
est incident a cheſcu faire
par le determination de dif-
ferentes sur cōſeils & tous
diſordres en c' comiſſe. Vies
plain de cto *crumps. Turiaſ.*
fol. 129. Epile ſib. 10. fol. 73.

Plaintiffs,

PLaintife est celui que l'on
ou complainte en vn assise
ou en vn action personall,
come en vn action de det,
trespas, diffeoir & detinue, &
tels semblables.

Pleading.

Pleadings sont appellez
tous acts del parties al
suits apres le count ou de-
claration, notamment ceo
que est containe en le barre,
replicac', &c rejoynd', & non
ceo cōstein en le count sū, &
sū ceo defails en le matē del

a hofo without string, or other like device, at the will of the first brother, and they being thus bound, shall march with music, and sing, the first time, "God bless our King," and then, "God bless our country," and then, "God bless our people," and then, "God bless our church," and then, "God bless our nation," and then, "God bless our world," and then, "God bless our God."

Pipemaking The art or process of making pipes.

1992

Plaintiff is not limited to complaining in writing, or in an sworn personal affidavit or in execution of oath, but may, by deed, by name, allege fraud, deceit, duress, and such

Pleading

Pleadings based on the findings of the parties to suits after the onset of declared hostilities, namely that such is contained in the bare, repetitive, erroneous, and not that contained in the court's findings, is therefore in violation of the terms of the

count, and not comprised
in this mispleading, as in-
sufficient pleading, may be
removed by the Statute of
32 Hen. 8. But only
in this mispleading, as in-
sufficient pleading, committed
in the bar, replication, & re-
joinder, and not in the
plea.

Post disseisin. This
is a disseisin, which is
made by a man, who is
not the owner of the land,
into the possession of another
man, who is the owner of the
land.

Post disseisin. This
is a disseisin, which is
made by a man, who is
not the owner of the land,
into the possession of another
man, who is the owner of the
land.

Possession. This is
the possession of a man,
which is made by a man,
who is the owner of the land,
into the possession of another
man, who is the owner of the
land.

Possession. This is
the possession of a man,
which is made by a man,
who is the owner of the land,
into the possession of another
man, who is the owner of the
land.

Possession. This is
the possession of a man,
which is made by a man,
who is the owner of the land,
into the possession of another
man, who is the owner of the
land.

Possession in Ley. This
is the possession of a man,
which is made by a man,
who is the owner of the land,
into the possession of another
man, who is the owner of the
land.

count, ne font comprise-
int mispleading, ou insuffi-
cient pleading, ne font reme-
die per le statute de leofailes
32 Hen. 8. Mes seulement ceo
mispleading, ou insufficien-
t pleading, commit en le bar,
replication, & rejoinder, sot
la prouide.

Post disseisin. This
is a disseisin, which is
made by a man, who is
not the owner of the land,
into the possession of another
man, who is the owner of the
land.

Post disseisin. This
is a disseisin, which is
made by a man, who is
not the owner of the land,
into the possession of another
man, who is the owner of the
land.

Possession. This is
the possession of a man,
which is made by a man,
who is the owner of the land,
into the possession of another
man, who is the owner of the
land.

Possession. This is
the possession of a man,
which is made by a man,
who is the owner of the land,
into the possession of another
man, who is the owner of the
land.

Possession. This is
the possession of a man,
which is made by a man,
who is the owner of the land,
into the possession of another
man, who is the owner of the
land.

Possession in Ley. This
is the possession of a man,
which is made by a man,
who is the owner of the land,
into the possession of another
man, who is the owner of the
land.

The Exposition of

a dion que a scū vok fuer co.

cēnant incmes les terres ou

tenements.

Poundes.

Poundes sonten deux forte

lan Pound ouert, le autre

Pound close.

Pound ouert, est chescun

lieu en que vn distresse est

mis, soit ceo cōmon pound,

tiels que sont en chescū ville

ou Seignorie, ou soit ceo

backehide, court, yard, pa-

sture, ou autrement quecū-

que lou le owner del distresse

poit venter a doper eux viād

sans offence pur lour estant

la, ou son venter la.

Pound close, est tiel lieu,

lou le owner del distresse ne

poit venter a doper eux viād

sans offence, come en vn

close meson, ou quecunque

auter lieu.

Preamble.

Preamble, ad son noīne

de le prescription (*Pra*)

deuant, & le verbe (*bul*)

pur vs. issint joint

ensemble, ils font vn com-

pound. verbe de le premier

conjugation (*Preamble*)

poit vacer deuant, & de ceo

attachez par son dit dōneur

auquel dit dōneur

la ditte ditte qd dōneur

noū dōneur

Pound.

Poundes sonten deux forte

lan Pound ouert, le autre

Pound close.

Pound ouert, est chescun

place lōntain a distresse is

put, soit ceo de common

pound, soit ceo en court

ou Seignorie, ou soit ceo

backehide, court, yard, pa-

sture, ou autrement quecū-

que lou le owner del distresse

poit venter a doper eux viād

sans offence pur lour estant

la, ou son venter la.

Pound close, est tiel lieu,

lou le owner del distresse ne

poit venter a doper eux viād

sans offence, come en vn

close meson, ou quecunque

auter lieu.

Preamble.

Preamble, ad son noīne

de le prescription (*Pra*)

deuant, & le verbe (*bul*)

pur vs. issint joint

ensemble, ils font vn com-

pound. verbe de le premier

conjugation (*Preamble*)

poit vacer deuant, & de ceo

chateaux seront forains si
il ne veigne deins deux mois
Auxz leur promissours, pro-
curateurs, Attornes, Esche-
vours, Notaries, &c. Main-
tenours, seront penalis en
mesme le maniere, & les es-
chevours.

Auxz eschevours que
sont Clerks sur autres homes
encour de Rome par droit
spirituel, ou il y ont une re-
sidence deus ces Roiaumes en
Gouern. Pour Ceulx qui
il serra en le cas de de-
ces.

Et sur diuers autres occa-
sions est imposee per Statuts
depuis fait, le penalite que
eux incurra, ou eux fueront
attains. Premuliere: Come
per 13. *Edw. cap. 8.* ceux qui
aydent a faire chartres, par-
gaine sur des Roiaumes, ou
sur des Roiaumes, ou sur des
Roiaumes, ou sur des Roiaumes.

Comme il est deservant de
ceux qui sont le Roy, &c.
Comme il est deservant de
ceux qui sont le Roy, &c.

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ceux qui sont le Roy, &c.
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Comme il est deservant de
ceux qui sont le Roy, &c.

Prinie or priuites.

Prinie ou Priuites.

PRinie or **Priuites** is where a lease is made to hold at will, for years, for life, or a feoffment in fee, and in diuers other cases, now because of this that hath passed betwene those parties, they are called priuites, in respect of strangers, betwene whom no such dealings or conveyances hath bin.

Also if there be Lord and Tenant, and the Tenant holdeth of the Lord by certain service, there is a priuie betwene them because of the Priuie, and if the Tenant be disseised by a Stranger there is no priuie betwene the Disseisor and the Lord, but the priuie still remaineth betwene the Lord and the Tenant that is disseised, and the Lord shall auiou upon him, so that he is his Tenant in right, & in the iudgement of the Law.

Priuites are in diuers sort, as namely, Priuites in estate, Priuites in deeds, Priuites in law, Priuites in right, and Priuites in blood. Priuites in estate, is where a lease is made of the

PRinie ou **Priuites** est lou vn Lease est fait a tener a volunt, pur ans, pur vie, ou vn Feoffement en fee, & en diuers autres cases, ore pur ceo de ceo q ad passe perenter ceux parties, ils sont appellus priuites en respect de strangers, perent queux nul tiel coueyances ad estre.

Auxy si soit seignior & Tenaunt, & le Tenaunt tient del Seignior per certaine seruice, il y ad vn priuitie perenter eux per cause de Tenture, & si le tenaunt soit disseise per vn Estranger, il ad nul priuitie perenter le disseisor & le Seignior, mesle priuitie vncore demurt perenter le Seignior & le Tenaunt que est disseise, & le seignior auowrer sur luy, pur ceo que il est son Tenaunt & droit & en le iudgement del Ley.

Priuites sont en diuers sortes, come nosmement, priuites en estate priuites & fait priuites en ley, priuites & droit, & priuites en lank.

Priuites en Estate, est lou vn Lease est fait del

K k man-

manor de Dale al A. pur vie,
le remainder al B. en fee, la
& A. & B. sont priues en
estate, car leur estates fuert
fait ambid al vntemps.

Et issint est en le primer
case cy, ou vn lease est fait al
volunt, pur vie, ou ans, ou vn
secoffment en fee, les lessees ou
secoffees sont appel priues
en estate, & issint sont leur
heires, &c.

Priues en fait, est lou
vn Lease est fait pur vie, &
apres per vn autre fait le
reversion est graunt al vn
stranger en fee, & cest
graunt del reversion est
appel priue en fait, pur
ce que ad le reversion per
fait.

Priue en Ley, est lou il
est Seignior & tenant le te-
nant le seignior pur vie
& morust sans heire, & le
reversion escheat al Seigni-
or, il est dit priue en Ley, pur
ce que il ad son estate sole-
ment per le ley, & est adire, per
escheat.

Priue en droit, est lou vn
pousselle dun tme p an, gra-
ta son estate al vn aut sur co-
dition, & fait ses executors
& morust, ore ceux executors
sont priues en droit, car si

manor of Dale to A. for
life, the remainder to B. in
fee, there both A. and B.
are Priues in Estate, for
their estates were both
made at one time.

And so it is in the first
case here, where a lease is
made at will, for life, or an
yeares, or a seoffment
in fee, the lessee or seoff-
tee are called priues in
estate, and so are their heirs
&c.

Priues in Deed, is
where a lease is made for
life, and afterward by ano-
ther Deed the reversion is
granted to a stranger in fee,
this grantee of the reversion
is called priue in Deed,
because that he hath the re-
version by deed.

Priue in Ley, is where
there is hold and Tenant,
the tenant lesseth the te-
nantis for life, and the re-
version escheats to the Lord,
he is said priue in Ley,
because that he hath his es-
tate onely by the law, that is
to say, by escheat.

Priue in right, is where
one pousselle, or tme, is gra-
nted, granted and his estate
to another for a condition,
& maketh his executors
& morust, & those executors
are priues in right, &c.

the condition be spoken, and they enter into the land, they have in the right of their testator, and to his heir.

Heire of the blood, is the heire of the blood of donib, &c.

Also if a fine be levied the heires of them that leuied the fine are called **Heires**.

Priviledges, are

Priviledges are liberties and franchises granted to an officer, place, town, or manor, by the king's great charter, letters patent, or act of parliament: as **Con, Sake, Sake, Infangtheke, Outlangtheke, Turne, Stedling, and Divers** such like: For which look in their proper titles and places.

Proces, are

Proces are the writs and precepts that goe upon the original: And in actions Reals and Personals there be sundry sortes of proces, for in actions Reals the proces is **Grand Cape de tota apperance**: Therefore see what in the title **Proces**.

le condition soit infreint, & ils entront en le terre, ils ont ees en le droit de leur testator, & a son vif.

Heire de le seoffour, ou donib, &c.

Item si vn fine soit leuie, les heires de celuy que leuie le fine sont appel **privies**.

Priviledges, sont

Priviledges sont libertes & franchises graunt al vn office, lieu, ville, ou manor, par le grand charter del roy lettres patentes, ou act de parliament: come **Tol, Sake, Sake, Infangtheke, Outfangtheke, Turne, Stedling, & divers** nels semblables, pur quient veies en leur propres titres & lieux.

Proces, sont

Proces sont les briefs & precepts que issent sur le original. Et en Actions Reals & personals sont diuers sortes de proces, car en actions Reals le proces est **Grand Cape deuant apperance**: Ideo vide de ceo en le Title **Proces**.

K k 3 Mes

Mes en actions perso-
nals, come in det trespass,
ou detinue, le proces est en
distresse, & si le Vicount re-
turne *Nihil habet in balli-
na, &c.* donques le proces
est *Alias capias*, & *Pluries*,
& vn *Exigent*, & ils sont ap-
pelles *Capias ad responden-
dum*. Auxy le *Exigent* sera
cinqs fois proclames, &
si le partie n'appare il sera
vilage. Mes en diuers ac-
tions sont diuers maner de
proces, q est pluís alarge declare
en N.B.

Auxy sont diuers autres
proces apres appearance,
quand les parties sont al i-
ssue par faire l'enquest appa-
re, come en *Vener facias*, &
ils ne apparent al iour
donques vn brieft de *Habeas
corpora lura*, & apres vn
brieft de *Distringas lura*.

Auxy sont diuers autres
proces apres iudgement, com
Capias ad satisfaciendum, &
Capias vilagatum, &c.

Mes *Capias ad satisfaci-
endum* gist lon homme est co-
demne en ascundes ou dam-
mages, donques il sera ar-
rest p^r ce brieft, & mis en pri-
son sans baile ou mainprise,
tanque il ad pay le det & les
dammages.

But in actions perso-
nals, as in debt, trespass,
or detinue, the proces is a
distresse, and if the Sheriffe
returne, *Nihil habet in balli-
na, &c.* then the proces is
Alias capias, and *Pluries*,
and an *Exigent*, and they are
called *Capias ad respon-
dendum*. Also the *Exigent*
shall bee proclaimed fou-
t times, & if the partie doe not
appeare hee shall bee out-
lawed. But in diuers ac-
tions there are diuers ma-
ners of process, which are
largely declared in N.B.

And there are diuers
other processes after appa-
rance when the parties be
attaine to make the enquest
appeare, as a writ of *Vener
facias*, and if they doe
not appeare at the day, then
a writ of *Habeas corpora
lura*, and after a writ of
Distringas lura.

Also there are diuers o-
ther processes after Judge-
ment, as *Capias ad satisfaci-
endum*, and *Capias vil-
lagatum*, &c.

But *Capias ad satisfaci-
endum* is such a writ as man-
deth an any Debt
or damages then he shall be
arrested by this writ, & put
in prison without baile or
mainprise, till he hath paid
the debt and the damages.

But *Capias vilagatum* lyeth where one is outlawed, then he shall be taken by this writ, and put in prison without baile or mainprise, for that hee had the law in contempt.

And there bee other *procces* and *writtes* iudicials, as *Capias ad valentiam*, *Fieri facias*, *Seire facias*, and many other: & therefore looke for them in their titles.

Mes *Capias vilagatum* gist lou vn est vilage donques il sera prise per tiel brieve, & mis en prison sans baile ou mainprise, p' ceo q' il ad fait concept encountr le ley.

Auxy sont autres proces & briefes iudicials, come *Capias ad valentiam*, *Fieri facias*, *Seire facias*, & plusieurs autres: & ideo vide ceux en leur titles.

Next friend.

NEXT friend, is commonly taken for Gardian in socage, and is where a man seised of land holden in socage dyeth, his issue within age of 14 years, then the next friend, or next of kinne to whom the land cannot come or descend, shall have the keeping of the heire and of the land, to the only use of their heire, untill he come to the age of 14. years: And then at that tyme he may enter and put him out: and bring him to account. But in that accompt he shall bee allowed for all reasonable charges & expences bestowed upon the heire, as his land.

And the next friend of

Procheins amy.

Procheins amy, est communement prise pur Gardian en socage, & est lou vn home seillie de terres tenues en socage moruist, son issue deins age de 14. ans, donq's le procheins de sank a que les terres ne poient venter ou discender, auera le gard del heire, & del terre, al vse seulement del heire, tanque il viuent al age de 14. ans: Et doñques a tiel ans, le heire portenter & lay ouste, & amener luy de l'accompter: Mes en cest accompt il auera allowance pur tous raisonnables costs & expences bestowed ou sur le heire ou son terre.

Et le *procheins amy* en

Kk

procheine de sanke a que le
inheritance ne poit descend,
est ainsi desle entendoz. Si
les terres descende al heire de
son pere, ou ascun del sanke
del part son pere, donques
le mere, ou auter del part
la mere, sont appelle pro-
cheine de sanke, a que le
inheritance ne poit dis-
cender, car deuant que il
issint descendra, il pluis tost
escheteat al seignour de que
il est tenus,

next of kinne to whom the
inheritance cannot descend,
is thus to bee understood :
If the lands descend to
the heire from his father,
or any of the kinne of his
fathers side, then the Mo-
thers side, or other of the Mo-
thers side, are called the next
of kinne, to whom the inhe-
ritance cannot descend, for be-
fore that it shall so descend,
it shall rather escheat to the
lord of whom it is holden.

Et issint est desle entende-
lou les terres vient al heire
de sa mere, ou ascun
auter de sanke del part la
mere, donques le pere ou
auter del part son pere sont
appelle le procheine de
sanke, a que le inheritance ne
poit descend, mes pluis tost
escheteat al Sir de que il est
tenus.

And it is, to bee under-
stood where the lands come
to the heire from his Mo-
ther, or any of the kinne of
his mothers side, then the
father or other of the fa-
thers side are called the next
of kinne, to whom the inhe-
ritance cannot descend, but
shall rather escheat to the
lord of whom it is holden.

Autrement procheine a-
my est celui que appiert en
alcun Court pur un enfant
que sue ascun action, & que
ayde le enfant de pur-
suer son suit : doncs vide
les statutes de West. 1. cap. 47.
et West. 2. cap. 15. que un
enfant ne poit faire At-
tourney, mes le Court poit
admettre le procheine a-
my pur le plaintife, &

Orherwise Prochein
amy is he which appea-
reth in any Court for an
enfant which sueth any
action, and aideth the enfant
to pursue his suit : where-
of see the Statutes of
Westminster. 1. cap. 47. and
Westminster. 2. capitulum
15. that an enfant may not
make an attorney, but the
Court may admit the next
friend for the plaintif, and

Whome the
not descend,
understood:
it descend to
his father,
tune of his
then the Mo-
of the Mo-
alled the next
nom the inde-
scend, for be-
it to descend,
sheat to the
is holden.

beet under-
e lands come
in his Mo-
the kinne of
the, then the
t of the fa-
alled the next
who the inde-
t descend, but
elcheat to the
it is holden.

Prochetne
which appea-
Court for an
a such any
erth the infant
sue: where
satisfies a
cap. 42 and
capital. A
ant may not
ney, but the
omit the next
plaintiff, and

a Gardian for the infant
def. as his Attorney.

Procedendo.
Procedendo is a writ,
and it lyeth where any
action is sued in the Court,
which is remitted to a
Court more high, as to
the Chancery, the King's
Bench, or Common place,
by a writ of certiorari.
Certiorari is the defend-
ant vpon the matter shew-
ed have no cause of privilege,
or if the matter in the Bill
sheweth upon the Certiorari
issued be not well proved,
then the Plaintiff shall have
this writ of Procedendo, for
to send againe the matter
vnto the first base Court, &
there to be determined.

vn Gardian p le enfant def.
come son Attorney.

Procedendo.
Procedendo est vn briefe,
et est gis lou ascun action
est sue en yn Court, que est
remouee a yn plus hault,
comme al Chancerie, banke le
Roy, ou Common banke, p
Briefe de Priuiledge ou cer-
tiarare, & si le defendant sur
le matter monstre, ad cause
de priuiledge, ou si le matter
en le Bill sur que le Certiora-
re issait ne soit bien prouue,
doitques le plaintif auera
cest briefe de Procedendo, par
remander le matter al pri-
mer base Court, & la destie
determine.

Proclamation.

Proclamation is a notice
publicly given of any
thing whereof the King think-
eth good to advertise his
subjects. As the King An.
the 20. made Proclamation of
rebellion, saying openly that
such and such were traitors,
and were not appearing to the
King's commandment
in other words, the Chamber-
lain, the Secretary, the
Chancellor, the

Proclamation.

Proclamation est vn notice
publicque donnee de quel-
conque chose de que le Roy soy plei-
nir d'advertiser ses subjects.
As le Roy An.
le 20. a fait Proclamation de
rebellion, et a dit ouvertement
que tel ou tel Officier estoit
un traître, et qu'il n'estoit pas
apparu au commandement
du Roy. En d'autres termes,
le Chamberlain, le Secrétaire,
le Chancelier, le

The Exposition of

rebelliſſion que il luy meſm
rendera liour assigne. *Crom.
Iurisd. fol. 92.*

Et eſt deſtre obſerue, que
nul poit faire Proclamation
mes per authorite del
Roy, ou Maior, & huius-
modi que ont priuiledges
en Cities & Borowghes de
ceo faire, ou ont ceo eſe per
cuſtome. Et par ceo ou vn
Executor ſiſt Proclama-
tions en certain market Vil-
les que les creditors veigne-
ra p certaine iour, & claima
& proueta leur dets due per
le Teſtator, & par ceo
que il ceo ſiſt ſauns autho-
ritie il ſuit commit al Fleet
& miſe a vn fine. *Brook. Pro-
clamation. 10.*

rebell except he render him
ſelfe at the day assigned,
Crompt. Iurisd. fol. 92.

And it is to be noted,
that no man may make pro-
clamation but by authori-
tie of the King, or Maior,
and ſuch like as haue Pri-
uiledges in Cities and Bo-
roughs ſo to doe, or haue it
by cuſtome. And therefore
where an Executor made
Proclamations in certain
Markets Townes that the
creditors ſhould come by a
certain day, and claime and
paye their debts due by the
Teſtator, & becauſe he did
this without authority he
was committed to the Fleet
and fine. *Brook. Proclama-
tion, 10.*

Prohibition.

Prohibition eſt vn briefe,
& giſt lou hom eſt em-
plede en Court Chriſtian de
choſe que ne touch matri-
monie ne teſtament, ne mere-
ment d'ames, mes que touch
le corone noſſe Seignior le
Roy & ceſt Briefe ſerra di-
recte au iudye, ou ſon offi-
cial, de luy prohibite que
il ne purſue ouſſer. Mes
ſi il appere apres a les
Iudges temporall, que le

Prohibition.

Prohibition is a writ, and
it lyeth where a man is
impleaded in the Spiritual
Court, of the thing that
toucheth not Matrimonie
nor teſtament, nor merely
either, but that toucheth the
Kings Crowne, and this
writ ſhall be directed au-
thor to the iudge, or to the
Judge, or the Official, to
prohibit them that they
purſue further. But if
it appere afterwards to the
Judges ſeignior, that the
matter

matter is to be determined
in the Spirituall court, and
not in the court Temporall,
then the partie shall have a
writ of Consultation, com-
manding the Judges of the
court Spirituall to proceed
in the first place.

Propertie.

Propertie is the highest
right that a man hath, as
can haue to any thing,
which no way dependeth
vpon another mans curtesie.
As: And this none in this
kingdome can be sayd to
haue in any landes or tenements,
but only the King in
the right of his crowne, be-
cause that all the landes
through the Realme, are in
nature of fee, and both me-
diatly or immediatly of the
Crowne. This word Ple-
nertheille is used for such
right in landes & tenements
as common persons haue in
the same. And there are
three manner of rightes of
propertie, that is to say,
propertie absolute, propertie
qualified, and propertie pos-
sessory: Of which see at
large Coke lib. 2. Case de
Swinners fol. 17.

matter est destre determine
en le Spirituall court, & ne-
my en le court Temporall,
donque le party auec un bfe
de Consultation, comman-
dant les Iudges de le Court
Spiritual de proceder en la
primer plee.

Propertie.

Propertie est le plus alt
droit que home ad ou
poit auer al ascun chose, que
riens depend sur le courtesie
dascun auter home: Et ceo
nulluy en cest Realme poit
estre dit auer en ascun tres
ou tenemens forsque sole-
ment le Roy en le droit de
son Corone, par ceo q̄ tous
les terres par le Realme sont
en le nature de fee, & tien-
droent mediatme ou immedi-
atme del Corone. Cest poi-
nient obstant est use par tiel
droit en terres & tenements
que common persons ont en
mesme. Et la sont trois ma-
ners de droits de propertie,
cesta scauoir, propertie abso-
lute, propertie qualified, &
propertie possessory, de qux
voies a large Coke lib. 7. Case
de Swinners fol. 17.

Proprietary.

Proprietarie, c'est un
 Proprietarie est celui que
 a une propriété en aucun
 chose, mes il est plus com-
 munement vie par luy & ad
 les profits du Benefice a luy
 & ses heires, ou a luy mesme
 & ses successeurs, come en
 temps par devant Abbots &
 Priours auoient a eux & leur
 successeurs. *sup. c. 10. b.*
Protection, c'est un
 Protection est un Breve, &
 signifi lou homme voit passer
 ou her le mere in le setuice le
 Roy, donques il aucta cest
 Breve, & per cest Breve il
 sera quitte de toutes manieres
 des ples en son luy & aucun
 autre person, except ples
 de dower. *Quidam impe-*
dit. Assise de Novel disse-
lin. & Ultime presentationis,
 & Attaints, & ples de maunt
 Justices en Eyre. Mes sont
 deux Breves de protecti-
 on. *x. Cum clausula vo-*
luntus, & l'autre Cum clau-
sula noluntus, & appiere en
 le Registre. *Aut.* Prote-
 ction ne sera allow en as-
 cun plee commence devant
 le date de la Protection, si
 ne soit en vyages ou le Roy

Conuincit eos de illi ratione
 Cuius Proprietarie est in
 illiusque & illiusque in
 Proprietarie est ille qui
 habet proprietatem in any
 thing, but it is most com-
 monly used for him who
 hath the profits of a Bene-
 fice to him and his heires, or
 to himselfe & his successors,
 as in times past Abbots &
 Priours had to them & their
 successors. *sup. c. 10. b.*
Protection, c'est un
 Protection is a writ, & it
 is used where that a man
 hath gone over the sea in
 the King's service, then he
 shall have this writ, and by
 this writ he shall be quit of
 all manner of ples betwix
 him & any other person, ex-
 cept dower & dower. *Quae-*
dam dicitur esse & non est dif-
ferentia. Dicitur in presentibus,
 and Attaints, & ples before
 Justices in Eyre. But
 there be two sorts of pro-
 tection, one Cum clausula vo-
 luntus, and another Cum
 clausula noluntus, as ap-
 piers in the Register.
 And a Protection shall not
 be allowed in any plee be-
 gun before the date of the
 Protection, if hee bee not
 in vyages where the King
 him=

himselfe shall passe, or other
viage royals, or in messagers
of the King for affaires of
the like. Also a protecti-
on shall not be allowed for
viage bought for the viage
for herse, the protection ma-
keth mention, nor in pleas
of trespassse, or of contracts
made after the date of the
protection.

But note, that any may
attach or begin any Action
real against him that hath
such protection, and therein
proceede until the defendant
commeth and sheweth his
protection in the court, and
then it is allowed, and the his
plea or suit shall go without
day. But if after it appea-
reth that the partie which
hath the protection goeth
not about the affaires for
which he hath it, then the
demandant shall have a re-
peale thereof. And if he goe
or returne after the businesse
ended, the demandant shall
have a returne to recon-
tinue the former suit.

Protection.

Protection is a royme
of pleading when any
will not directly deny any
thing that is alledged by an-
other, or which hee himselfe

mesme passa, ou autres vya-
ges royaux, ou en messager le
Roy p. besoignes de Realme.
Auxy protection ne sera al-
low pur vitailles achates, pur
le viage, dont le protection
fait mention, ne in plees de
trespasse, ou de contracts fait
puis le date de mesme le pro-
tection.

Mes note, que aucun poie
attacher ou, commencer a se
Action real vers cestuy q ait
tel protection, & en ceo p-
ceder tanque le defendant
veigne & monstre son prote-
ction en le Court, & ait
ceo allow, & doque son plea
ou suit sera mis sans iour.
Mes si apres il appiert que le
party que ad le protection
ne besoigne p que il ait ceo,
donques le demandant auet
vn repeale de ceo. Et si il va &
retorne apres le besoign finie
le demandant auera vn re-
summons de recontinue le
former suit.

Protestation.

Protestation est vn forme
de pleading quauant a scua
ne voit directement affir-
mer, ne directement denier
aucun chose quel est alledge
per auter, ou que il mesme
alledge.

The Exposition of

alledge. Et est en deux manieres, l'un est quant vn pleade ascun chose que il ne osast directement affirmer, ou que il ne poit ceo pleader pur doubte de faire son plee double: Come si en conueyng a luy tytle al astun terre, il doit pleader diuers descents per diuers persons, & il nosast affirmer que eux toutes fueront seises al temps de leur mort, ou coment il ceo purroit, ceo sera double a pleader deux descents, de queux ambideux chescun aperluy poit estre bone barre: Donques le defendaunt doit pleader & alleadger le matter, enterlasing cest parol *Protestando*, come adire, que tel obijt (*protestando*) seise, &c. Et ceo est destre alleage per protestation, & nemy trauesable per l'auter. Autre protestation est, quant vn est de responder al deux choses, & tamen per le Ley il doyt pleader forsque a l'un, donques en le primer part del plee, il dira, al vn matter *Protestando*, & *non cognoscendo*, cel matter estre voyer, & faire son plee ouster per ceux parols, Sed pro placito dicat, &c.

alledge. And it is in two sayes: One is, when one pleadeth any thing which he dare not directly affirm, or that he cannot pleade it for doubte to make his plee double: And if in conueyng to himselfe a title to any land, he ought to pleade diuers descents by diuers persons, and he dare not affirm that all they were seised at the time of their death, or although he could do it, it shal be double to pleade two descents, of both which every one by himselfe may be a good barre: Then the defendaut ought to pleade and alledge the matter, interlacing this word *Protestando*, as to say, that such a one dyed (by protestation) seised, &c. and that is to be alleaged by protestation, and not to be trauesed by the other. Another protestation is, when one is to answer to two matters, and yet by the Law he ought to pleade but to one, then in the first part of the plee, he shall say to the one matter *Protestando*, & *non cognoscendo*, this matter to be true, and make his plee further by these wordes, Sed pro placito dicat, &c. and

and this is for saying to the parties that (so pleadeth by protestation) to be concluded by any matter alleged or objected against him, upon which he cannot ioyne issue: And is no other thing but an exclusion of the conclusion, for hee that taketh the Protestation excludes the other parties to conclude him. And this Protestation ought to stand with the sequel of the plea, and not to be repugnant, or otherwise contrarie.

& ceo est pur saluation al partie (que issint pleade per protestation) desce conclude per aucun matter alleadge ou obiect encounter luy, sur que il ne poit ioyner issue: Et nest auter chose mes vn exclusion del conclusion, car il que prist le protestation exclude l'autre partie de conclure luy. Et cest protestation doit estoyer oue le sequel del plee, & nemy desherapagnant, ou autrement contrarie.

Prouiso.

Promiso.

Prouiso is a condition inserted into any deed, upon the performace whereof the validitie of the deed consisteth, sometimes it is onely a covenant, whereof see Calia. 2. in the Lord Cromwells case. It hath also another signification in matters iudiciall, as if the Plaintiff or Demaundant desisteth in prosecuting an action, and bringeth it not to triall, then the Defendant or Tenant may take fourth the Venire facias to the Party which hath in it these wordes Prouiso quod, &c. to this ende, that if the Plaintiff

Prouiso est vn condition enserit en aucun fait, sur le performance de que tout le vigour del fait consista, aucun foits il seulement est vn couenaunt, de que veies Coke lib. 2. en le Seignieur Cromwells case. Il ad auxy vn autre signification en choses iudicial, come si le plain-tife ou demaundaunt delaya de prosecuter vn action & ne ceo port al tryal, dunque le Defendaunt ou Tenaunt poit prendre hors le Venire facias al Viscount, que ad enceo ceux parols, Promiso quod, &c. a cest fine, que si le plain-tife prist

The Exposition of

prist hors aucun Briefe a del
purpose, le Viscount he gar-
nera forsque vn iurie sur
eux ambideux. Veies veie
Nat. Br. en le brieve Nisi pri-
us fol. 159.

Purchase.

Purchase est le possession
que vn home ad en ter-
res ou tenements per son
act demesne, means; ou
agrement, & nemy per ti-
tle de descent de ascen de ses
auncesours. Veies Littleton
lib. 1. cap. 1.

taketh out any writ to this
purpose, the Sheriffe shall
summon but one iurie up-
on them both. See old Na-
tura Breuium in the writ
Nisi prius, fol. 159.

Purchase.

Purchase is the posses-
sion that a man hath in
landes or tenements by
his own Act, means, or
agrement, and not by title
of descent from any of his
auncesours. See Littleton
lib. 1. ca. 1.

Purue.

Purue est tout cest Terre
que est prochein aucun
forrest que esteunt fait for-
rest per Henrie le second,
Richard le premier, ou Jean
le Roy, fust per perambu-
lations grauntus per Hen-
rie le tierce seigneur ariere
del, meisme. Mounseigne
Manwood part. 2. de ses
forrest Leyes cap. 20. Et
semble que cest parol est fa-
it ou de pourallee, ceo est,
per ambulare, ou par hie; ceo
est purus locus, par ceo q' tiels
terres queux fuerent per
ceux royes subiect al leys &
ordinaances del forrest sont
lammes cleire & franke

Purue.

Purue is all that ground
which is mere any forest
which being made forest by
Henrie the second, Richard
the first, or King John,
were by perambulations
graunted by Henrie the
third, scutred againe from
the same wast. Manwood
part. 2. of his forest Lawes
cap. 20. And it seemeth that
this worde is composed of
the w^{or}d puruall; that is to
goe by, walke about, or pur-
sue; that is, a pure place;
because that such landes
which were by those kings
subiect to the Lawes and
ordinaances of the forest are
now cleere and free from
the

the same as the Christians
call it that. And pur to place,
which is not subject unto
buriall, so the same this
may bee called as a place,
because it is exempted from
the servitude and thralldome
which was formerly laid
upon it. To this a text
in the 10th of the 1st book that
hath lands forth in the pur-
ties, and being able to dis-
pend for the holding by the
year, or freehold, in the
same two paymes, deemed
to have in his own parties,
29th. Manwood part. II.
pag. 151. & 177.

del mesme: Come les Ci-
vilians appele ce purum locū
qui est sepulcrum, religioni
non est obstrictus, et mesme
le manher ceo puit estre ap-
pel pure lieu pur ceo que est
exempt del servitude et cu
thralldome que fust par de-
vant sur ceo impose.
Pur hōme est ceſtury que
ad terres deins le purties &
est capable de dispende po.
soit per lan de frankten-
ment, soit par ceux de la chie-
se, soit de chascun con son
pur lē d'admesce. M. Man-
wood part. I. pa. 151. & 177.

ground
my forest
forest by
Richard
ing John,
ulations
in the
land from
Manwood
the lawes
meth that
posed by
that is, so
at, by pur
are place
y. Lands
sole thing
a wood
forest are
trees from
the

Quale sunt
in quibus
Vale illi
and it lyeth where an
Abbot, Prior, or
other should have
judgement to record. Land
by the default of the tenant
against whom the land is
demanded, then before judg-
ment given, or execution
awarded, this writ shall
be forth to the defendant
requiring him to shewe the
truth to decide, and if
it be found that he hath
not right, then the Lord

Quale sunt
in quibus
Vale illi
and it lyeth where an
Abbot, Prior, or
other should have
judgement to record. Land
by the default of the tenant
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ment given, or execution
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be forth to the defendant
requiring him to shewe the
truth to decide, and if
it be found that he hath
not right, then the Lord

The Exposition of

que dult auer le Terre si le
tenant vst alien en Mort-
maine, poit enter come en
Terre alien en Mortmaine,
car cel perdre per default est
semble a vn alienation. Vi-
de le statute Westmister le
second cap. 32.

which should haue the land.
if the Tenant had aliened
in Mortmain, may enter
as into land aliened into
Mortmain, for this losse
by default is like to an aliena-
tion: see the statute West-
minster 2 cap. 32.

Mes vn Brie de Adquod
damnum gist lou vn voile
doner Terre a meson de
Religion, donques cest brie
issera al Escheatour, puren-
quiere de que value le Terre
est; & quel preiudice il sera
al Roy.

But a writ of Ad quod
damnum lyeth where one
bestows landes to an
house of Religion, then this
writ shall goe forth to the
Escheatour, to enquire of
what value the land is, and
what prejudice it shall bre-
ake the King.

Quare eiecit infra terminum.

Quare eiecit infra terminum.

Quare eiecit infra termi-
num est vn Brie, &
gist lou vn fait Lease a vn
suer par terme d'ans, & le
lessor enfroia vn auer, &
le lessor ouste le termour,
donques il le termour au-
ra cest brie vers le lessor.
Mes si vn autre e-
stranger ouste le termour
donques il auera brie de
Eiusdem firme vers le Roy.
Ex en ceux deux briefs il
reioiuet le lessor & le
damnage.

Quare eiecit infra termi-
num is a writ, and is
lyeth where one maketh a
lease to another for terme
of yeares, and the lessor in-
froia another, and the
lessor putteth out the ter-
mour, then the termour shal
haue this writ against the
lessor. But if another
stranger putt out the ter-
mour, then he shal haue a
writ of Eiusdem firme
against the King. And in these
two writs the lessor recover
the same & his damages.
And the lessee shal not
recover his damages.

Quare impedit.

Quare impedit.

Quare impedit is a writ, and is lyeth where I have an advowson, and the Parson dyeth, and another presenteth by Clerk, or disturbeth me to present, then I shall have the sayd writ. But Assise de Darreine presentment lyeth where I or my auncelours have presented before. And where a man may have an Assise de Darreine presentment he may have a Quare impedit, but not contrariwise.

Also if the Plece bee depending betwixen two parties, and bee not decided within the monethes, then the Bishop may present by Laps, & he that hath right to present, shall recover his damages, as it appereth by the Statute of Westminster. cap. 5. Therefore see the Statute. Also if hee that hath right to present after the death of the Parson, and bringeth no Quare impedit, nor Darreine presentment, but suffereth a stranger to usurpe upon him, yet hee shall have a writ of Right of Advowson. But this writ lyeth not, where hee claime to have the

Quare impedit est un briefe, & gist lou ico ay Aduowson, & le Parson deuie, & vn autre presenta son Clerke, ou disturbe de presenter, donques ico auera l dit Briefe. Mes Assise de Darreine presentment gist lou ico ou mon auncelours ount present deuaut. Et lou home poit auer Assise de darreine presentment, il poit auer vn Quare impedit, mes ne my contrarie.

Auxy si le Plece soit dependant entre deux parties, & ne soit discusse dedans vi. moys, donque le Buesque presentera per laps, & cesty que ad droit de present, recouera damages, come appiert per le statute de Westminster. cap. 5. ideo veies l stat. Auxy si cesty que ad droit a presenter apres le mort del parson, & ne porta Quare impedit, ne Darreine presentment, mes suffer va estrange de usurper sur luy, vnoire il auera vn Briefe de Droit d'aduwson. Mes cest briefe ne gist si il ne claime dau le

The Exposition of

aduowson a luy & ses heires
en fee simple.

Aduowson to him and his
heires in fee simple.

Quare incumbrauit.

Quare incumbrauit est vn
briefe, & gift lou deux sōt
en plee p' aduowson, & Le-
uesque admit le clerke d'un
deux deins le sixe moys,
donques il auera cē bfe vers
l'uesque: Mes cē briefe gift
tours fois pendant le plee.

Quare incumbrauit.

Quare incumbrauit is a
writ, and it lyeth wher
two bes in plee for the ad-
uowson, and the Bishop ad-
mitteth the Clerke of one
of them within the vi. mo-
neths, then hee shall haue
this writ against the Bi-
shop. But this writ lyeth
alway hanging the plee.

Quare intrusit matri- monio non satisfacto.

*Quare intrusit Matrimonio
non satisfacto* est vn brief,
& gift lou le Seignieur pro-
fera conuenable mariage
a son garde, & il refusa &
entra en le terre, & soy mar-
rie a vn auter, donques le
Seignieur auera cest briefe
vers luy.

Quare intrusit matri- monio non satisfacto.

*Quare intrusit matrimo-
nio non satisfacto* is
a writ, and it lyeth wher the
Lord profereth conuen-
able marriage to his ward,
and he refuseth and entreath
into the land, and marieth
himselfe to another, then the
Lord shall haue this writ
against him.

Quare non admisit.

Quare non admisit est vn
briefe, & gift lou
home ad recouer vn ad-
uowson, & il manda
son conuenable Clerke al E-
uesque pur admit, & le E-
uesque ne voile luy recei-
uer, donques il auera

Quare non admisit.

Quare non admisit is a
writ, and it lyeth wher a
man hath recovered an ad-
uowson, and he sendeth his
conuenable Clerke to the
Bishop to be admitted, and
the Bishoppes will not re-
ceiue him, then he shal haue
cpi

the sayd writ against the
Bishop. But a writ de
Ne admittas lyeth where
two bee in plee, if the plain-
tiffe suppose that the Bi-
shop will admit the Clerke
of the Defendaunt, then hee
may haue this writ to the
Bishop, commanding him
not to admit him hanging
the plee.

le dit brieve vers le Euesque.
Mes brief de ne admittas gist
lou deux sont en plee; si le
plaintiffe suppose que leueſq
voit admit le Clerke le De-
fendaunt, donques il poit
auer cest brieve al Euesque,
luy commaundaunt que il
ne luy admitte pendant le
plee.

Quarentine.

Quarentine.

Quarentine is where a
man dyeth seised of a
manor, place, & other lands
whereof the wife ought to
bee endowed, then the wo-
man may abide in the spa-
ce of place, and therefine of
the hore and pokes there-
of the space of forty dayes,
withyn which time her Do-
wer shall bee assigned, as it
appeareth in Magna Charta
cap. 6.

Quarentine est lou homē
deuie seisie de vn man-
nor place & d'autres terres,
dont la femme doit estre en-
dow, donques la femme tien-
dra se en le manoir place,
& la viue de le hore & pro-
fits de ceo per quarant iours,
deins quel temps la Dower
sera a luy assigne, comē
appiert en Magna Charta
cap. 6.

Quarels.

Quarrels.

Quarrels is deriued from
Querendo and extendeth
not onely to actions, as well
reall as personall, but also
to the causes of actions and
suits, so that by the rule of
of quarrels not onely actions
depending in suit, but causes
of action and suit also are
released, and Quarrels

Quarrels est deriuee à Que-
rendo & extend non sole-
ment al actions cybien re-
al come personel, mea
auxy al causes de Actions
& suits, issint que per release
de tous quarels non solemt
actions dépendāt en suit mes
causes d' action & suit auxy
sont release, & quarrels

L i a con-

The Exposition of

controuersies & debates controuersies and Deb
sont Synonima & Jun bates are wordes of one
mesme signification. Coke, sence and of one and the
lib. 3. fol. 153. same signification. Coke, lib.
3. fol. 153.

Quid iuris clamat.

Quid iuris clamat est vn
brief, & gift lou ieo grant
le reuerſion de mon Tenant
a terme de vie per ſine en
Court le Roy, & le Tenant
ne voit attourner, donques le
grantee aurga ceſt briefe per
luy chaſer pur attourner.
Mes briefe de *Quem reddi-
tum reddit* gift lou ieo grant
per ſine vn rent charge, ou
auter Rent que neſt rent ſer-
uice, quel mon Tenant tient
de moy, & le Tenant ne voit
attourner, donques le gran-
tee aurga ceſt Briefe. Et
briefe de *Per que ſeruitia*
gift enſemble caſe pur Rent
ſeruice.

Auxy ſi ieo graunt iiii.
diuers rents a vn home, &
le Tenaunt de terre attourna
al grantee per payment de
vn denier, ou vn maille en
noſme de attournement de
touts ceux rents, ceſt attorn-
ment luy mittera en ſeiſin
de tout ceſt Rent. Mes ceux
trois Briefes conient eſre
port vers eux que ſount Te-

Quid iuris clamat.

Quid iuris clamat is a
writ, and ipeth wher
I graunt the reuerſion of
my tenaunt for terme of liſe
by ſine in the Kings court,
and the tenaunt will not at-
torne, then the grantee ſhall
haue this writ for to com-
pell him to attorne. But a
writ of *Quem redditum
reddit* ipeth wher I grant
by ſine a rent charge, or
other Rent which is not
Rent ſervice, which my te-
naunt holdeth of me, and the
Tenaunt will not attorne,
then the grantee ſhall haue
this writ. And a writ of
Per que ſeruitia ipeth in
like caſe for rent ſervice.

Also if I graunt ſoure
diuers Rents to one man,
and the Tenant of the land
attourneth to the Graunter
by payment of a peny, or of
an half peny in the name
of Attournement of all the
rents, this attournement ſhal
put him in ſeiſin of all the
rent. But theſe three writs
ought to be brought a-
gainſt thoſe which are Te-
nan ts

Quants at the day of the note leuied, and against no other. **nants iour del note leuie, & vers nul auters.**

Fifteene.

Quinzisme.

Fifteene is a paymēt granted in Parliament to the King by the Temporalitie, namely the fifteenth part of their goods, & it was vsed in antient time to be leuied upon their Cattell going in their grounds, which thing was very troublesome, and therefore now for the most part that way is altered, and they vs to leuie the same by the Yard or Acre, or other measure of land. By means whereof it is now lesse troublesome, & more certain than before it was. And euery towne & country doe know what sum is to bee payd among them, & how the same shall bee raised. Wee reade that Moses was the first that did number the people, for he numbred the Israelites, and the first Tax, subsidy, or Fifteene, was inuented by him among the Hebrewes, as Polidore Virgil doth thinke.

Quinzisme est vn payement grant en Parliament al Roy per les layes Gents, cest-à-scauire, le quinzième part de leur biens: Et fuit vsé en antient temps de leuie sur leur auers esteuans en leur terre, que chose fuit mult troublous, & pur ceo a ore pur le plus part cest voy est alter, & ils vsé de leuie ceo per les verges ou acre, ou autre mesure de terre. Per ceaso de que il est a ore meyns troublous, & plus certaine que deuant il fuit. Et chescun Ville & pays scient quel somme est de se paye peren-ter eux, & coment ceo sera raise. Nous legemous que Moyses fuit le prim que num-ber le people, car il number les Israelites, & pur ceo le primer Tax, subsidie, tribute, ou Quinzisme, fuyt inuent per luy enter les Hebrewes, come Polidore Virgil suppose.

Quod

The Exposition of

Quod ei deforceat.

Quod ei deforceat.

Quod ei deforceat est vn briefe, & gift lou le tenāt en Tayle, Tenant en Dow-er, ou Tenant a terme & vic perde per defaulte en ascun Action, donques cestuy que perde auera cest briefe vers celuy que recouera, ou vers son heire, si il entende que il auoit melior droit que il que recouera. Vics le stat Westm. 2. cap. 4.

Quod ei deforceat is a writt & it lieth where the Tenant in the talle, Tenant in dower, or tenant for term of life loseth by default in any action, then hee that loseth shall haue this writt against him that recouereth, or against his heire, if he thinke that he hath better right thā he which recouered, see the stat. West. 2. ca. 4.

Quod permittat.

Quod permittat.

Quod permittat est vn brief, & gift lou home est disseise de son common de pasture, & le disseisor alien ou deuie seise, & son heire en, donques si le disseisee deuie, son heire auera cest briefe.

Quod pmitit is a writt, & it lieth where a man is disseised of his common of pasture, & the disseisor alieneth or dieth loseth, & his heire en-tereth, then if the disseisee or his heir shall haue this writt.

Quo iure.

Quo iure.

Quo iure est vn briefe, & gift lou home ad ewe common de pasture en a-uter feueral de darreine temps deins le temps de memorie, donques celuy a que apper-tient le feueral, auera cest brie & il sera charge d' mēstre p

Quo iure is a writt, & it lyeth where a man hath had common of pasture in another, feueral of late tithes in the time of memorie, then he to whom belongs the feueral, shall haue this writt, & he shall be charged to shewe by what

What tithes he claime the common.

quel ticle il claime le Com-
mon.

forceat.

ceat is a writ
here the Ce-
e, Tenant in
at for term of
fault in any
as that lofeth
writ against
ereth, or a
if he thinke
ter right thi-
ered, see the
4.

mittat.

s a writ, & it
a man is dis-
mmon of pa-
el for alieneth
& his heire en-
diffeisee thi-
writ.

iure.

writ, & it is
a man hath
spaur in a
of late with-
memorye, then
dongs the la-
e this writ, &
to show by
what

Quo minus.

Quo minus is a writ, and
it lieth where a man
hath granted to another
housebote & heybote in his
wood to take every yeare,
and hee that made the grant
maketh such waste and de-
struction that the grauntee
cannot have his reasonable
estouers, then the Graunter
shal have the aforesaid writ,
and it is in nature of a writ
of waste.

And note that housebote
is called certain estouers to
mend the house. And hey-
bote is certaine estouers to
mend heyres and hedges.

And there is another writ
called a Quo minus in the
Exchequer, which any ser-
mo: or debto: to the R. shall
have against any other, for
debt or trespasse in the Ex-
chequer, in the Office called
the common ples, by which
the pt shal surmise, that for
the wrong which the desen-
dant doth to him, he is lesse
able to pay the king his debt
of forme, which is surmised
to give Jurisdiction to the
Court of Exchequer, to
heare and determine the

Quo minus.

Quo minus est vn brieve, &
gift loñ home ad granta
a vn auter housebote & hey-
bote en son boys, a prender
chescun an, & celuy que fe-
soit le grant fait tiel wast &
destruction, que le grauntee
ne poye atter son reasonable
estouers, donques le graun-
tee auera le auantdit Brieve,
& est en nature de brieve de
Wast.

Et nota, Que Housebote
est appelle certeyne estouers
pur amaynder la Meafon. Et
Heybote est certeyne esto-
uers pur amender heyres &
hedges.

Et est auter brieses appell
Quo minus, en le Exche-
quer, quel ascun Fermour
ou Debtour al Roy auera
vers ascun auter, pur Debt
ou Trespasse, en le Exche-
quer, en le Office appelle le
Common Ples, per que le
Plaintife surmitera, que par
le tort que le Defendant fait
a luy, il est meynes able a
payer le roy son debt ou ferm,
quel est surmise a doner Ju-
risdiction al Court D'exche-
quer, doyet & terminer la
cause

The Exposition of

cause del suit entrec eux, quel
auterment serroit determinee
en auter Court.

cause of the suit betwene
them, which otherwise
should be determined in an-
other Court.

Quo Warranto.

Quo warranto est vn briefe,
& gist lou home vsurpe
dauer ascun franchise sur lo
Roy, donques le Roy auera
cest briefe, de faire luy ven
deuant ses Iustices, p monst
per quel title il clame tiel
franchise.

Quo warranto.

Quo warranto is a writ,
and it lyeth wheres a man
vsureth to haue any fran-
chise vpon the King, then
the King shall haue this
writ, to make him to come
before his Iustices, for to
shew by what title he clai-
meth such franchise.

Rape.

Rape ad deux significa-
tions, Le primer est
quant il est prise p le
part del Countie, cõe South-
sex est diuide en sixe parts q
par vn peculiar nomme sont
appelle Rape, Camden Bris-
tan pag. 225. & ceux pris en
autres pais sont appell Hun-
dreds, Tythings, Lathes, ou
Wapentakes.

En l'autre sence il est le
violens conuulsance dun
feme encounter sa volunt,
& cest offence est felonie

Rape.

Rape hath two signi-
fications, The first
is when it is take for
that part of a countie, as
Southsex is diuided into sixe
parts, which by a peculiar
names are called Rape, Cam-
den Britan. pag. 225. and
these parts in othen coun-
tries are called Hundreds,
Tythings, Lathes, or Wapen-
takes.

In the other sence it is
the violent detravelling of
a woman against her will,
and this offence is felonie,

as well in the principall, as
in his appoynt. Hen-
ric. 4. cap. 13. 1. Edw. 4. cap. 1.
Westmin. 2. cap. 13. Cromp-
ton's Iustice of peace, fol. 43.
44.

cybien en le principal, come
en les accessories. Veis 11.
Henric. 4. cap. 13. 1. Edw. 4.
capitulo primo. Westm. 2. ca. 13.
Crompton's Iustice de peace, fo.
43. 44.

Rationabilibus diuifis.

Rationabilibus diuifis.

R Ationabilibus diuifis is a
writ, & lieth where there
are two lordships in di-
uers townes, and one nigh
the other, and any parcel of
one lordship, or of wast, hath
bene incroche by little par-
cels, then the said lord from
whom the parcell of ground
or of wast hath bin incroched
shall haue this writ against
the lord that hath so entro-
ched.

R Ationabilibus diuifis est vn
briefe, & gilt lou foat
deux Seigniories en diuers
Viller, & vn près de auter, &c
ascun parcel de vn Seigniorie
ou de Waste ad este encro-
che per petits parcels, & don-
ques celuy Seignior de que
le parcel de terre, ou le waste
ad este encroche, auera cest
briefe enuers l'ſnr q ad iſſint
encroche.

Rebutter.

Rebutter.

R Ebutter is when one by
deed or fine grants to war-
rant any land or heredita-
ment to another, & he which
made the warrantie, or his
heire, sue him to whom the
warrantie is made, or his
heire, or assigne for the same
thing, as if he which is so
lued pleade against him
that such the said deed or fine
with warrantie, & demand

R Ebutter est quant vn per
fait ou fine grant de gar-
ranter ascun terre ou heredi-
tament a vn auter, & cestuy
que fist le garrantie, ou son
heire, sua celuy a que l'Gar-
rantie est fait, ou son heyre,
ou assignee, si celuy que est
iſſint sue, pleade encounter
celuy que sua le dit fait ou
fine oue garrantie, & demand
indige-

The Exposition of

iudgement si enconfe gar-
rant le plaintife serra receiue
a demaunder le chose que il
doit garrant, enobne cel gar-
rantie, p le fait ou fine auant
dist compenant tiel garran-
tie, tiel plead en garr est ap-
pel vn *Rebutter*.

iudgment if the Pl. shall be
receiued to demand the thing
which he ought to warrant,
against that warranty by
the dōd or fine aforesaid cō-
prehending such warranty,
such pleading of the warranty
is called a *Rebutter*.

Redisseisin.

Redisseisin, Vies de c' deuāt
en le tñ *Affise*.

Redisseisin.

Redisseisin, A vñe of that
befoze in the title *Affise*.

Regrator.

Regrator est celuy que ad-
blees, victuals, ou auters
chofes sufficient p son neces-
sarie oep, occupation ou ex-
pences, & nient obstant en-
grosse & achate en ses mains
plus blees, victuals ou auter
tiels choses, al entent d' vñ
ceo arere al vn plus hault &
chare price, en faire, m̄kets,
ou tiels semblable lieux: de
q vies lestat: 5. E. 6. ca. 14. car
il serra punie cōe *Forestaller*.

Regrator.

Regrator is he that hath
corne, victuals, or other
things sufficient for his owne
necessary need, occupation,
or spending, & doth neuer the-
lesse ingrosse & buy vp into
his hands more corne, victu-
als, or other such things, to
the intent to sell the same at
gains at a higher & deerer
price, in faire, markets, or
such like places, wherof see
the stat. 5. E. 6. c. 14. for he shal
be punished as a *forestaller*.

Reioynder.

Reioynder est qñt le defen-
dant fait respons al repli-
cation del *Plaintife*.
Et chescun *Reioynder*

Reioynder.

Reioynder is when the def.
maketh answer to the re-
plication of the *plaintiffe*.
And enorie *Reioynder*
ought

ought to haue those two properties specially, that is, it ought to be a sufficient answer to the replication, & also to followe and enforce the matter of the barre,

doit auer ceux deux propriétés specialmēt, cest a sauoir, il doit estre sufficient respons ad replication, & auxy de subsequer & enforce le mati del barre.

Relation.

Relation is a terme in lawe where in consideration of lawe 2 times or other things are considered so as if they were all one, & by this the thing subsequent is sayd to take his effect by relation at the time pceding as if one deliuer a writing to one to be deliuered to another, as the deed of him who deliuered it, whē the other to whō it should be deliuered hath paid a summe of money, now when the money is payd, & the writing deliuered, this shalbe taken as the deed of him who deliuered it, at the time when it was first deliuered. And so petitions of parliament to which the R. assēt on the last day of parliament shal relate and be of force from the first day of the beginning of the Parliament. And so is it of divers other like things.

Relation.

Relation est vn tēme en ley, lou en consideration del ley deux temps ou aus chōses sont consideres tielment come si fueront tout vn, & ceo le chose subsequent est dit de pndra son force per relation al temps pcedent: si come vn deliū vn escript al vn destre deliū al aut, come fait cestuy que ceo deliū, qūt l'auter a que serroit deliuer, ad pay ascun sum de money, ore quant le money est pay & lescript deliuer, ceo serra reputé come fait cestuy que ceo deliuerā al temps quāunt fuit primes deliū. Et issint petitions de parliament, as qux le roy assent al darreine iour de parliament, aueront relation & pndrōt lour force del prim iour del commencement del parliament. Et issint est de diuers autres choses semblables.

Release.

The Exposition of

Release.

Release est le done ou discharge del droit ou action que aucun eyt ou clayme enuers auter ou son terre.

Et le release de droyt est communement fait quaut vn fesoit vn fait a vn auter p ceux ou tiels parolx, *Remisise relaxasse, & omni pro me & hered' meis quiet' clamasse A. B. totum ius meum quod habui, habeo seu quouis modo in futuro habere potero in uno messuagio, &c.* Mes ceux parols (*quouis modo habere potero*) sont voids: Car si le pere soit disseisne, & le firs release per son fait de release, fauns garrantie de tout son droyt, p ceux parols (*quouis modo in futuro habere potero, &c.*) & le pere morust, l'firs poit loy alment enter sur l' possession le disseisor.

Auxy en vn releas de droit il couient que il a que le Release ser' fait, ad vn Franknement ou possession en les terres en fait ou en ley, ou vn reuerfion al temps del release fait, car sil nad riens e' l' firs al tēps de releas fait, le release ne

Release.

Release is the giving or discharging of the right or action which any hath or claimeth against another, or his land.

And the releas of right is commonly made when one maketh a deed to another by these or like wordes, *Remisied, released, and vicerly for me and my heires quite claimed to A. B. all my right that I haue, or by any means may haue hereafter, in one messuage, &c.* And these wordes (whatsoever I may haue hereafter) be void: for if the father be disseised, and the son releas by his deed of releas without warrantie, all his right, by these wordes (whatsoever I may haue hereafter, &c.) if the father dieth, the son may lawfully enter in the possession of the disseisor.

Also in a releas of right it is needfull that he to whom the releas shalbe made, haue a freehold, or a possession in the land in deed or in law, or a reuerfion at the time of the releas made, for if he haue nothing in the land at the time of the releas made, the releas shal

shall not be to him and his
heirs. See more hereof in
Litul. lib. 3. cap. 8.

sera a luy auailable. Veies
plus de ceo Littleton lib. 3.
cap. 8.

Reliefe.

Reliefe.

Reliefe is sometimes a
certaine summe of mo-
ney that the heyre shal pay
to the Lord of Whome these
Landes are holden, which
after the decease of his an-
cestours are to him deheri-
ted as next heire, Some-
times it is the payment of
another thing, and not mo-
ney: And therefore Reliefe
is not certaine; and altho
for all Tenures, but every
sundry tenure hath (for the
most part) his speciall Re-
liefe certained in it selfe.
Neither is it to be paid at
weapes as a certaine age,
but varieth therein also ac-
cording to the Tenure. As
if the Tenant hath landes
holden by Knights Ser-
uice (except Grand Ser-
uicie) and die, his heire be-
ing at full age, and held his
Landes by the service of a
Whole Knights Fee, the
Lord of Whome these Landes
are so holden, shall haue of
the heire an hundred shil-
lings in the name of the
Reliefe, and if hee held by
less then a Knights fee, hee
shall pay lesse, and if more,

Reliefe est ascun foits vn
certaine summe de mo-
ney que le heyre payera al
Seignior de que ceux Ter-
res sont tenus, queux apres
le decease de son Aunce-
stour sont a luy descende
come procheine heyre, As-
cun foits il est le payment
d'un autre chose, & nemy
money, Et par ceo reliefe
nest certaine, & semblable
pur toutes Tenures, mes
chescun sundry Tenure ad
(pur le plus part) son spe-
cial Reliefe certained en luy
mesme. Neque est ceo
destre paie tous foits al
vn certaine age, mes il va-
rie en ceo auxy accordaunt
al Tenure. Come si le Tenar
ad Terres tenus per Seruice
de Chivaler (forspris Grand
Seruicantie) & morust, son
heire esteaunt de pleine age,
& tient ses Terres per le ser-
uice d'un entier fee de Chi-
ualer, le Seignior de que
ceux Terres sont issint tenus,
auera del heire C. s. *Nomine
Relieu*, & si il tient per
meins que vn fee de chivaler
il paiera meins, & si plus,
donques

*U. c. 115.
p. 83*

The Expolition of

donques pluis, ayant respect toutes foits al rate pur chescun fee de chivaler vn cent soulz. Et si tient per graund Serieantie (que est toutes foits del Roy, & est auxy service de chivaler) donques le Reliefe serra le value del Terre per an, preter tous charges issuant hors de ceo. Et si le terre soit tenu en petit Serieantie, ou en Socage, donques pur le reliefe le heyre payera al vn foies taunt que il doit payera annuellement pur son service, quel est communement appelle le doubling del rent.

Auxy si home tient de le Roy en chiefse, & des autres Seignidours, le Roy auera le garde de toutes les terres, & le heyre payera Reliefe a tous les Seignidours a son pleine age, mes les Seignidours fuera a Roy per petition, & payera le rent pur le temps que le enfant fuit en garde.

Et nota, que tous foits quant le Reliefe est due, il doit ee payal vn entier payant, & nemy per parts, nient obstant que le rent soit desle pay al fevral feasts.

then more, having respect alwaies to the rate for every Knightes Fee C.s. And if he hold by Grand Serieanty (which is alwaies of the King, and is also Knightes Service) then the Reliefe shall bee the value of the Land by the rent, besides all charges issuing out of the same. And if the Land be holden in Petit Serieanty, or in Socage, then for the reliefe the heyre shall pay at one time as much as he ought to pay yearly for his service, which is commonly called the doubling of the rent.

And if a man hold of the King in chief, and of other Lords, the King shall have the wards of all the Lands, and the heire shall pay Reliefe to all the Lords at his full age: but the Lords shall sue to the King by petition, and shall have the Rent for the time that the Infant was in ward.

And note, That alwaies when the Reliefe is due, it must be payed at one whole payment, and not by parts, although that the rent be to be payed at several feasts.

Remainders.

Remainder of Land is the Land that shall remain after the particular estate determined: As if one graunt Land for terme of years, or for life, the remainder to A. B. that is to say, that when the lease for years is determined, or A. B. for life is dead, that then the land shall remain, shall be to A. B. or his heirs, or in A. B. or his heirs.

Remembrancer del

Eschequer.

Remembrancer del Eschequer, there are thre officers or Clerkes there called by the name, as one is called a remembrancer of the king, the other of the lord treasurer & the third of the first fruits. The king's remembrancer is seth in his office all recognisances for the king's debts, appaunces, & for observing of orders: also he taketh all obligations for any of the king's debts, for appaunces & observances of orders, & maketh out proces upon the for the breaking of the.

The king's remembrancer maketh out proces against all who

Remainders.

Remainder de Terre est le, Terre que remainera apres le particular estate determine: Come si va grant Terre pur terme de ans, ou pur vie, le remainderal I. S. cest adire, que quant le lease purans est determine, ou le Lessee pur vie est mort, que donques le Terre remainera, serra, ou abide, ou al, ou en I. S. vices Rememson.

Remembrancer del

Eschequer.

Remembrancer del Eschequer, la sont trois officers ou Clerkes la appel per tiel nomme, l'un est appel le remembrancer del roy, l'auter del Seignior treasurer, & le tierce del primer finis.

Le remembrancer del roy enter en son office tous recognizances pur les debtes le roy, appaunces, & pur observer orders: Auxy il prist tous obligations pur ascuns debtes le roy, pur appaunces & observance de Orders, & fist proces sur eux pur senfender de eux.

Le remembranc' del sir treasurer, fist pces vers tous Visc.

collins

in his Remitter, that is to say, leased by force of the tall and the title of the discontinuance is hereby admitted and defeated, and the reason and cause of such remitter is, for that that such an heir is tenant of the land, and there is no person tenant, against whom he may sue his wife of Forfeiture for to recover the estate tail, for he may not have an action against himselfe.

Also if tenant in the tale inforce his forme or heirs apparent in the tale which is within age, and after death, that is a Remitter to the heirs: But if he were of full age at the time of such feoffment, it is no Remitter, for that that it was his folly, that he being of full age, would take such a feoffment.

Also if the husband alien his land that he hath in the right of his wife, and after take an estate againe to him and to his wife for terme of their lives, that is a Remitter to the woman, for that that this alienation is the Acte of the husband, and not of the woman, for no folly may be imputed in the woman during the life of her husband.

en son Remitter, cestascavoir, seise per force del taile, & le titre del discontinuance est ousterment anient & defeat. Et le reason & cause de tiel remitter est, pur ceo que tiel heire est tenant del terre & nest aucun person Tenant vers que il poit suer son Briefe de Forfeiture purrecouerle estate taile, car il ne puit auer action vers luy mesme.

Auxy si Tenant en le Tayle enforça son fiez ou heire apparent en le Tayle que est deins age; & puis deuie, ceo est vn Remitter al heire: Mes si il fuit de pleine age al temps de tiel feoffement, il nest remitter, pur ceo que il fuit son folly, que il esteant de plein age, voile prendre tiel feoffement.

Auxy si le baron alien Terre que il aden le droyt son feme, & puis reprist estate a luy & a son feme pur terme de leur vies, ceo est vn remitter al feme, pur ceo que cest alienation est le acte le baron, & nemy acte de la feme, car nul folly poit este adiudge en feme durant le vie le baron.

The Exposition of

Mes si tiel alienatiō soit
per fine en Court de Record,
tiel reprisel' apres al baron
& femme pur terme de leur
veies, ne serra la femme de-
stree en la Remitter, pur ceo
que en tiel fine la femme serra
examinee per le Iudge, &
sielx examinations en fines
excluderont tielx femmes a
toursiours.

Auxy quant le entrede
ascun home est conceable,
& il prist estate a luy quant
il est de pleine age, si ne soit
per fait indene, ou matter
de record, que luy est oppo-
sés, ceo serra a luy bone Re-
mitter.

Rents.

RENTS sont en diuers man-
niers, cestascavoir, Rent
service, Rent charge, & Rent
secke.

Rent service, cest lou le Te-
nant en fee simple tient sa
terre de son Seignieur per ser-
vice & certaine rent, ou per
autre service & rent, & don-
ques si le rent de le Tenant
distraint le Seignieur point
distraint pur le rent. Mes p
ceo il n'a pas de deute a luy
de deute.

Auxy si il a done terres en
le taylor a un home payant
a moy certaine rent, ore tiel

But if such alienation be
by fine in Court of Record,
such a taking againe after-
ward to the husband and
wife for terme of their lives
shall not make the woman
to be in her remitter, for that
in such a fine the woman
shall be examined by the
Judge, and such examina-
tion in fines shall exclude
such women for ever.

Also when the entree of a-
ny man is lawful, & he ta-
keth an estate to him when
he is of full age, if it be not
by deed indented, or matter
of record, which shall stop
him, that shall be to him a
good Remitter.

Rents.

RENTS bee in diuers man-
ners, that is, Rent ser-
vice, Rent charge, and Rent
secke.

Rent service, is when
the tenant in fee simple hol-
deth his Land of his Lord
by fealty and certaine rent,
or by other services and rent,
and then if the rent of the
Tenant be behind, the Lord
may distraine for the rent:
but for that he shall not have
an action of debt.

Also if I give Land to
Taylor, to a man paying to
me certaine rent, then such

rent is rent service : And in such case it behooveth that the reversion bee in the donour : for if a man make a feoffment in fee, or a gift in tail, the remainder ouer in fee without Word, reseruing to him a certaine rent, such reservation is voyde, and that is by the Statute *Quia emptores terrarum*, and then hee shall hold of the Lord of whom his donour held.

But if a man by deed indented at this day make such gift in tail, the remainder ouer in fee, or lease for terme of life, the remainder ouer, or a feoffment, and by the same Indenture reserve to him rent, and that if the rent bee behinde, that sell it is lawfull to him to distraine, then such rent is rent charge.

But in such case, if there bee not any such clause of distresse in the Deed, then such rent is called rent seck, and for such rent secke hee shall neuer distraine, but if hee were once seised, he shall have assise, and if hee were not seised, he is without remedy.

And if one graunt a rent going out of his lands with clause of distresse, that is rent charge, and if the

rent est rent service : Mes en tiel case il couient que le reversion soit en le Donour, Car si home fait feoffement en fee, ou vn done en taylor, le remainder ouster en fee, sans fait, reseruant a luy vn rent, tiel reservation est voyde, & ceo est per force del statute *Quia emptores terrarum*, & donques il tiendra de le Seignieur de que son donor tenoit.

Mes si home per fait indent a cel iour fait tiel done en le tail, le remaind ouster en fee, ou leste per terme de vie le remainder ouster, ou vn feoffement, & per mesme l'indenture reserua a luy vn rent, & que si le rent soit arriere, que bien liroit a luy a distrainer, ore tiel rent est rent charge.

Mes en tiel case, si la ne soit aucun tiel clause de distresse en le fait, donques tiel rent est appel rent secke, & pur tiel rent seck, il ne iammais distraînera, mes si fuit vn foirs seisie, il auera assise, & si il iammais ne fuit seisie, est sans remedie.

Auxy si vn graunt vn rent issuant hors de sa terre oue clause de distresse, cest vn rent charge, & si le

M m 2 rent

The Exposition of

rent soit arrete, le grantee
 poit eslier de distraire ou
 fuer vn Briefe Dannuitie
 mes il ne poit auer ambi-
 deux, car il port briefe de
 Anuitie, donques le terre
 est discharge. Et si il distraint
 & auow le prisel en court de
 record, donques le terre est
 charge, & le person del gran-
 tor discharge.

rent be behind, the grantee
 may chuse to distraine or sue
 a writ of Annuitie, but hee
 cannot haue both, for if he
 buyng a writ of Annuitie
 then the land is discharged,
 And if hee distraine and
 auowes the taking in the
 Court of Record, then the
 land is charged, and the
 person of the Grantor dis-
 charged.

Auxy si vn grant vn Rent
 charge, & le grantee pur-
 chafe le moitie, ou ascun au-
 ter part ou parcel d le terre, d
 quel que petit value que il
 soit, donques tout le rent est
 exting.

Also if one grant a Rent
 charge, and the Grantee
 purchaseth halfe, or any o-
 ther part or parcell of the
 land, of whatsoeuer small
 value it be, then all the rent
 is exting.

Mes en rent seruice si le
 Seignieur purchase parcel
 del Terre, donques le rent
 sera apportion.

But in rent seruice, if the
 Lord purchase parcell of the
 land, then the rent shall be
 appportioned.

Mes si vn ad vn rent
 charge, & son pere pur-
 chafe parcel del Terre, & cel
 parcel discede a le fiz que
 ad le rent charge, ore cel rent
 sera apportion solongue le
 value del Terre, come est dit
 de rent seruice, pur ceo que
 le fiz ne vient a ceo per
 son ad demesne, mes per dis-
 cent.

But if one hath a Rent
 charge, and his father pur-
 chafe parcell of the land
 and that parcell descendeth
 to the sonne which hath the
 Rent charge, then the rent
 shall be appportioned ac-
 cording to the value of the land
 as it is sayd of rent seruice,
 for that that the sonne com-
 meth to that not by his own
 act, but by descent.

Auxy si ieo face vn lease
 pur terme d'ans, reseruant
 a moy vn certaine rent
 cest appel vn Rent ser-
 uice, & pur ceo il est a mon

Also if I make a Lease
 for terme of yeares, reser-
 uing to me a certaine rent,
 that is called a Rent ser-
 uice, and for that it is at my
 liberty

liberty to distraine for the rent, or to haue an Action of debt, but if the lease be determined, and the rent be behinde, then I cannot distraine, but shall bee put to my action of debt.

And note well that if the Lord be seised of the seruice and rent aforesayd, and they be behinde, and he distraine, and the tenant recouereth the distress, hee may haue Writte, or a writt of Rescous, but it is more necessarie for him to haue Writte, then a writt of Rescous for that by Writte he shall recouer his rent and his damages, but by a writt of rescous he shall not recouer but damages, and the thing distrained shall be repayed.

And note well, that if the Lord be not seised of the gift and seruice, & they be behind and he distraine for them, & the tenant take againe the distress, hee shall not haue Writte, but a writt of Rescous, & the Lord shall not need to shew his right.

And note well, that if the Lord may not finde a distress by three years, hee shall haue against the tenant a writt of Cessauit per biennium, as it appeareth by the Statute of West. 2. cap. 21.

libertie a distreynner p le rent ou auer vn Action de dette, mes si le lease soit determinee & le rent soit arere, donques ieo ne puisse distreynne, mes serra mis a mon Action de Det.

Et nota, que si le Seignior soit seise des Services & Rent auant ditz, & ils soyent aderece, & il distreine, & le tenant recouere le distresse, il poyt auer Assise, ou brieve de Rescous: Mes il est plus necessarie pur luy de auer Assise, que brieve de Rescous, p taunt que per Assise il recouera son rent & ses damages, mes per cest brieve de Rescous il ne recouera mes damages, & le chose distreyn serra reprise.

Et nota, Que si le Seignior ne soit my seise del rent & seruice, & ils sont aderece, & il distreynne pureux, & le tenant reprent le distresse, il ne poit my auer Assise, mes brieve de Rescous, & ne couiermy al Sñr d mfe son droit.

Et nota, Que si le Segalour ne poyt my trouver distresse per deux ans, il auera vers le tenant brieve de cessauit per biennium, vt patet per Lestatute de Wymsinster 3. cap. 21.

Et si le Tenaunt deuie en le meane temps, & son Issue enter, le Seignior auera vers le Issue Brieft de Entre sur Cessant, ou si le Tenaunt alien, le Seignior auera vers le Alien le auaunt dit brieft. Mes si le Seignior ad issue & deuie, & le Tenaunt soynt en arrearages del dit rent & seruices en le temps le pere del issue, & auant le temps del issue, il ne poyt my distreyne pur arrearages en temps son pere, & n'aura aucun autre recouerie vers le Tenaunt, ou aucun autre, pur ceo que tel aduantage est done per le Ley al Tenaunt. Et nota, Que rent seruice est ceo a quel appent fealty, mes a Rent charge & Rent seke ne appent pas fealty, mes il appent a rent seruice de Common droit.

Et nota, si home distreyne pur rent charge, & le distres soit rescue de luy, & il ne foyt my seisie aduaut, il ne ad my recouerie forsque per brieft de Rescous, car le Distresse primerment fait ne done a luy seisin, forsque il appelle le Rent aduaut, car il fuit seisie del Rent aduaut, & puis le rent soit aJerere, & il distreyne, & rescous a luy foyt fait,

And if the tenant be in the mean time, & his issue enter, the Lo. that haue against the issue a writ of entry upon Cessant, or if the tenant alie, the Lo. that haue against the Aliene the foresayde writ. But if the lord haue issue & die, & the tenant be in arrearages of the said rent & seruices in the time of the father of the issue, & not in the time of the issue, he may not distreyne for the arrearages in the time of his father, and he that haue none other recourer against the tenant, or any other, for that that such advantage is giue by the law to the tenant. And note well that rent seruice is that to the which belongeth fealty, but to rent charge and rent secke belongeth not fealty, but it belongeth to rent seruice of common right.

And note, that if a man distreyne for rent charge, and the distress be taken against his will from him, and he was never seised before, he hath no Recouerie but by writ of Rescous, for the Distresse first taken cometh not to him seisin, until he hath seisin before, for if he was seised before the Rent before, and after the rent be distresse, and hee distreyne, & Recouie to him be made, he

he shall haue Assise, or a writ of *Releasours*.

And note well, That in euery *Wille* of rent charge, and annuall Rent, or in a writ of *Annuite*, it becometh to him that bringeth the writ, to shew forth an *Especialtie*, or else hee shall not maintaine the *Wille*. But in an *Wille* of *Mortdauncester*, or *Formedon* in the *disceider*, or other writs, (in the which title is giuen or comprised) brought of rent charge or annuall rent, it needeth not to shew the *especialtie*.

And note well, that if a man grant a rent charge to another, and the grantee release to the Grantor parcell of the rent, yet all that rent is not extinct.

And note well, That if Rent charge be granted to two ioyntly, and the one release, yet the other shall haue the halfe of the Rent. And also if the one purchase the halfe of the Land, whereof the Rent is going out, the other shall haue the halfe of the rent of his companion: and if the *Disseisor* charge the Land to a stranger, and the *Disseisor* bring an *Assise* and recouer, the charge is defeated. But if he that hath right chargeth

il auera *Assise* ou *Briefe* de *Releours*.

Et nota, Que en chescun *Assise* de Rent charge & annuall rent, ou en vn *briefe* de *Annuite*, conuient a celui, que port le *Briefe*, de monstrer apauant vn *especialtie*, ou autrement il ne maintiendra le *Assise*. Mes en *Assise* de *Mortdauncester*, ou *Formedon* en le *Disceider*, & aus *Briefs* (en les queux title est done ou comprise) porte de Rent charge, ou de annuall Rent, nest my besoigne de monstrer *especialtie*.

Et nota bien, Que si home graunt Rent charge a vn autre, & le Grauntee releasa al Grauntor parcell de le Rent, vacore tout le Rent nest extinct.

Et nota bien, Que si Rent Charge soit graunt a deux ioyntement, & le vn releasa, vacore le autre auera le moytie del Rent. Et auxy si le vn purchase le moytie de le Terre, dont le Rent est issuant, l'auter auera le moytie del Rent de son Compaignion: Et si le *Disseisor* charge la Terre a vn *Estraunge*, & le *Disseisor* port le *Assise* & recouer, le Charge est defeat. Mes si celui que ad droyt, charge la

The Exposition of

la terre, & vn estrange faine vn faux a^{ct}ion enuers luy q^{ui} nad droit, & recouer par default, le charge demorra.

Et nota bien, que en case q^{ue} purparty soit p^{re}sent deux p^{re}seners, & puis tre soit allotte a l'un que a l'aut, & el q^{ui} ad puis del tre, charge sa tre al auter, & el happe le rent, el maintiendra a lise sans especialtie.

Et est vn rent secke, lou home tient de moy per homage, fealtie, & auter seruices, rendant amoy vn certaine rent per an, & ico grāt cest rent a vn auter reseruant a moy les seruices.

Et nota bien, que si rent secke soit grant a vn hom & a ses heires, & le rent soit a derere, & le grantour deuie, le heire ne purra my distraier, ne recouera les arrearages de tēps son pere, sicome est auant d'it de rent seruice.

Eten mesme le manner est adire de rent charge ou annual rent: Mes en tous les rents auant d'its le heire pourroit auer par arrearages en son temps demesme tyel aduantage come auoit son pere en sa vie. Vide

the lands, and a stranger takes a false action against him which hath no right, and recovereth by default, the charge abideth.

And note well, that in case that partition be between two parceners, and more land be allotted to one than to the other, & then that hath most of the land, chargeth her land to the other, and she happeneth the rent, she shall maintaine al lise without specialtie.

And it is a Rent secke where a man holdeth of me by homage, fealtie, & other seruice, yielding to me a certaine rent by the year, and I grant this rent to another, reseruing to me the other seruices.

And note well, that if rent secke be granted to a man and to his heires, & the rent be behind, and the grantor dye, the heire may not distraine nor shall recover the arrearages of the time of his father, as it is before sayd of rent seruice.

And in the same manner it is to say of Rent charge or annuall rent: But in all these rents before sayd the heire may haue by the arrearages in his owne time such advantage as his father had in his life. See the

Stat.

Statut. 32. Hen. 8. cap. 37.

And note well, that if a man be not seised of the rent, & it be behind, he is without recovery, for that that it was his own folly at the beginning when the rent was granted to him or reserved, that he took his not seisin of the rent, as is pointed in this point.

And note well, that a man may not have a Cessavit per biennium, or any other writ of Cessavit sur Cessavit for more than behind by two years, but only for rent service, as it appeareth in the Statute West. 2. c. 21.

And note well, that in rent secke it behooveth him that secketh for the rent secke for to shew a deed to the tenant, or else the tenant shall not be charged with the rent, but where the rent seck was rent service before, as in this case: A lord, mesne, and tenant, & every of them holdeth of other by homage and fealty, and the tenant of the mesne by 10. s. of rent, the lord paramount purchaseth the lands or tenements of the tenant, all the Seigniorie of the mesne, but the rent is extinct: And for this cause this rent is

Statutum 32. H. 8. cap. 37.

Et nota bien, que en rent secke si hom ne soit seise d'il rent, & il soit aderece, il est sans recovery, pur ceo que il fuit s'il folly demesne adeprimmes quant le rent fuit grant a luy ou reserve, q'il ne prist my seisin del rent, sicome vn denier ou deux.

Et nota que home ne poit my aver Cessavit per bienniu, ou vn autre briefe Dentre sur Cessavit pur nul rent seck aderece per deux ans, mes ils purront tantoleint pur rent service, vt patet in lestatute W. 2. c. 21.

Et nota que en rent secke il couient p luy que sue pur le rent secko pur monstre fait al tenant, ou autrement le tenant ne serra my charge del rent, forsque lou le rent secke fuit rent service adeuar, cō en cest case: Seignior, mesne, & tenant, & chescun de cux tient de autre per homage & fealtie, & le tenant del mesne per 10. s. de rent, le Seignior paramount purchase les terres ou tenemens del tennant, tout le Seigniorie del mesne, forprise le rent est extinct: Et pur cest cause cest rent est devenu

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deuenus Rent secke, & p rēt
seruice change, car il ne poyt
distreynē p cest Rent, & en
cest case celuy que demanda
le Rent ne sera iantmes
charge de monstre fait.

Auxy en Brieſe de Mori-
dauncesſer, Ayle, ou Beſayle,
de Rent secke, il ne beſoigne
de monstre especialtie, pur
ceo que ceux brieſes de pos-
ſeſſion comprehendunt yn
Title deins eux meſmes, &
aſcauoir, que le Aneſtor
fuyt ſeiſſe de meſme le Rent,
& continua ſon poſſeſſion,
per cauſe de quel ſeiſin le ley
ſuppoſe q̄ eſt auxy aurable p
le pais.

Tamen quere, car aſcū
ſuppoſaunt que il couient a
ſint force a monſtre auant
fayt, pur ceo que rent ſecke
eſt yn choſe encounter com-
mon droit, auxy bien come
Rent charge.

Mes en Aſſiſe de Nouel
Diſſeiſin, & en Brieſe de En-
trey diſſeiſin, poyt en Rent
ſecke, il couient de Fine foree
de monſtre auant Fayt, pur
ceo que Rent ſecke eſt yn
choſe encounter common
droyt, ſinon en le Caſe ſuiſ-
ditz ou il fuyt Rent ſeruice
adequant, & p ſa & del ley eſt
deuenus rent ſecke.

become rent ſecke, and the
rent ſeruice changed, for he
may not diſtreyn for this
rent, and in this caſe he that
demandeth the Rent ſhall
not be charged to ſhew a
Writ.

This is a writ of Mori-
dauncesſer, Ayle, or Beſaile,
of rent ſecke, it needeth not
to ſhew a ſpecialty, for that
theſe writs of poſſeſſion do
comprehend a Title within
themſelves, that is to ſay,
That the auctor was ſeiſ-
ed of the ſame Rent, and
continued his Poſſeſſion,
becauſe of which within
the ſaid ſuppoſeth that it
is alſo auerrable by the cou-
trie.

Yet ſerue, for ſome ſup-
poſeth that he that ſheweth
eſſeſſe to the ſaid writs
Deeds, for that that Rent
ſecke is a debt againſt com-
mon right, as well as Rent
charge.

Was in writ of Nouel
Diſſeiſin, and in a writ of
Entrey diſſeiſin brought
of Rent ſecke, it behoveth
of neceſſite to ſhew ſuch a
deed, for that that rent ſecke
is nothing againſt a common
right, except in the caſe afore
ſayd, where it was Rent
ſeruice before, and by the act
of Law it is become a rent
ſecke.

And Brieſe of Nouel Diſſeiſin, and a Brieſe of Writte ſur Diſſeiſin, containe both in them no title, but ſuppoſe a Diſſeiſin to bee done to the plaintife, and of the intendment of the lawe the diſſeiſin giveth no cauſe of auerment againſt common right, but of neceſſary it behooveth to theſe twoſh a deed.

Repleuin.

Repleuin is a Writ, and it ſheweth where any man ſtreighteneth another for rent or other thing, then hee ſhall have his Writ to the Sheriffe, to deliuer to him the diſtreſſe, and ſhall find ſurety to put ſure his Action, and if he perſue it not, or if it be found or iudged againſt him, then he that took the diſtreſſe ſhall have againſt the diſtreſſe, and that is called the returne of the Writ, and he ſhall have in ſuch caſe a Writ that is called Returno habendo, which is ſo in any franchise or Bayliwicke, the partie ſhall have a Repleuin of the Sheriffe directed to the Bayliſſe of the ſame franchise, ſo to deliuer them againe, and he ſhall find

Et Aſſiſe de Nouel Diſſeiſin, & Brieſe de Writte ſur Diſſeiſin, ne conteygne deins eux nul title, mes ſuppoſant vn Diſſeiſin d'ee ſayt a le plaintife, & deentendement del Ley, le diſſeiſin ne done nul cauſe de auerment encountr common droit, mes de ſine force il monſtre auant eſpecialtie.

Repleuin.

Repleuin eſt vn Brieſe, & eſt quant aſcun homme diſtreigne vn autre par Rent, ou autre cheſe, donques il auera ceſt Brieſe al Viſcount, pur deliuer a luy le Diſtreſſe, & trouera ſuretye de purſuer ſon Action, & ſi il ne purſua, ou ſi ſoyt troue & iudged encountr luy, donques ceſtuy que priſt le Diſtreſſere iuera Diſtreſſe, & ceſt appelle retourne des Auers, & il auera en tiel Caſe Brieſe que eſt appel Returno habendo.

Auxy ſi ſoyt en aſcun Franchiſe ou Bayliwicke, le partie auera vn Repleuin del Viſcount directed al Bayliſſe de meſme le Franchiſe, pur eux redeliuer, & il trouera ſuretye

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suertie de pursuer son action
al procheine Countie. Et cest
Repleuin poit estre remouue
hors del Countie en le Com-
mon banke per brieve de Re-
cor'a'e.

suertie to pursue his action
at the next Countie. And
this Repleuin may be remo-
ued out of the Countie un-
to the common place by writ
of Recordare.

Vide plus de Repleuin de-
uant titule Distresse.

Auxy brieve de *Homine
replegiando* gist lou vn home
est en prison, & nemy per e-
special commandement le
Roy, ne de ses Iustices, ne p
le mort de home, ne pur le
forest le Roy, ne p tiel cause
que nest repleuisable, donqs
il auera cest brieve direct al
Vicount, que il luy fair este
repleuy: & cest brieve est vn
Iustices. & nient retour-
nable, & si le Vicount ne cao
face, donques issira auter bfe
Sicut alias: & apres auter bfe
Sicut pluries, vel *causam no-
bis significet*, que serra retor-
nabl, & si le vicont vncor' ne
face repleuin, donques issira
vn *Attachment* vers le vicot,
direct al Coroners dattacher
le vicount, & deluy amefner
deuant les Iustices a vn
certain iour, & ouster ceo q
ils facent execution del pri-
mer brieve.

Repleuin of Repleuin
in the title Distresse.

Also a writ of *Homine
replegiando* lyeth where a
man is in prison, and not by
speciall commandement of
the king, nor of his justices,
nor of the death of a man,
nor for the kings forest,
nor for such cause that is
not repleuisable the which
hath this writ directed to
the sherrif, that he cause him
to be repleued: this writ is
a Iustices & not retornable,
and if the sherrif doe it not,
then there shall go forth an-
other writ, *Sicut alias*,
or *let us have another writ*, *Si-
cut pluries*, vel *causam nobis
significet*, which shall be re-
turnable, and if the sherrif
yet make no repleuin, then
there shall goe forth an *At-
tachment* against the sherrif,
directed to the Coroners to
attach the sherrif, & to bring
him before the Iustices at a
certain day, & furthermore,
that they make execution of
the first writ.

Replica-

Replication.

Replication is when the def. in any action maketh an answer, and the plaintiff maketh an answer to that, that is called the Replication of the plaintiff.

Replication.

Replication est quant le defendaunt en aucun action fait respons, & le plaintiff fait un respons a l'eco, ceo est appelle Replication del plaintiffe.

Reprises.

Reprises are deductions, payments, and duties, that goe yearly, & are payd out of a mannour: As rent charge, rent seck, pensions, corodies, annuities, fees of stewards, or baylives, and such like.

Reprises.

Reprises sont deductions, payments, & duties, que va annualment, & sont pay hors d'un mannour: Come rent charge, rent secke, pensions, corodies, annuities, fees de Seneschals, au baylives, & tiels sembles.

Resceit.

Resceit is when any action is brought against the tenant for terme of life, or tenant for terme of years, and he in the reuerſion cometh in & prayeth to bee received for to defende the land, and to pleade with the demaundant. And when he cometh it behooveth that he be alway ready to pleade with the demaundant. In the same manner a wife shal bee received for the default of her husband in any action brought against them both. And also tenant for years

Resceite.

Resceite est quant aucun action est port vers Tenaunt pur terme de vie, ou Tenaunt a terme d'ans, & cesty en la reuerſion vient eins & pria destre receue pur defende la Terre, & pur pleader ouesque le demaundant. Auxy quant il vient il couient que il soit toutes foits prist a pleder oue le demaundant. En mesme le maner vn feme sera receue pur default sa baron en action port vers ambideux. Et auxy Tenaunt pur ans serra

The Exposition of

terra rescieue a defend son droit, lou en vn Action port verstenant del franketene- ment il plede faitment.

Rescous.

REscous est vn briefe, & gist quant ascun hōe prêt distresse, & vn autre reprist le distresse de luy, & ne voile suffer luy amesner le distres que luy, donques il fait a luy Rescous, & sur ceo il poit auer cest briefe, & recouera damages.

Auxy si vn distrain beasts pur damage fesant en sa terre & les enehasca per le hault chemin pur eux enparker, & en alant ils entrent en le meason de celuy a que ils sont, & il euz detient la, & ne voile suffer l'auter de euz enparker, donques ceo detainer est rescous.

Reseruation.

REseruation est prise diuers voyes, & ad diuers natures, come ascun foits per voy de exception de reserue ceo que vn home ad deuuant vn luy. Come si vn Lease soit fait pur ans de

shall be rescued to defend his right, where in an action brought against the Tenant of the freehold he pleads faitment.

Rescous.

REscous is a writ, and is giveth when any man taketh a distresse, and another taketh it againe from him, & will not suffer him to carrye the distresse with him, then hee doth to him Rescous, and upon that hee may haue this writ, and shall recover damages.

Also if one distrain beasts for damage fesant, in his ground and diuerth them in the high way for to impound them, and in going they enter into the house of him whose they be and hee withholdeth them there, and will not suffer the other to impound them, then that withholding is a Rescous.

Reseruation.

REseruation is taken diuers wayes, and hath diuers natures, as sometimes by way of exception, to keepe that which a man had before in him: As if a lease be made for yeares of ground

ground, reserving the great trees growing upon the same, now the Lessee may not meddle with them, nor with any thing that cometh by reason of them, so long as it abideth in or upon the trees, as mast of oke, Chesnut, Apples, or such like: But if they fall from the trees to the ground, then they are in right the Lessee, for the ground is let to him, and all thereupon not reserved, &c.

Sometimes a reservation doth get & bring forth another thing which was not before: as if a man lease his lands, reserving yearely for the same xx. li. &c. and divers other such reservations there be.

And note, that in ancient time, their reservations were as well (or for the more part) in Victuals, whether flesh, fish, Coyn, Bread, Drink, or what else, as in money, untill at the last, and that chiefly in the reign of King H. 1. by agreement, the reservation of Victuals was changed into ready money, as it hath hitherto since continued.

terre, reseruant les ground arbres & plant sur ceo, ore le Lessee ne poit meddle ouesque eux, ne ouesque aucun chose que vient pur raison de eux, cy longe come il demurt en ou sur les arbres, come mast de Oake, Chesnut, Pomes, ou tielx semblables: Mes s'ils chient del arborsal terre, donques ils sont en droit le lessee, car le terre est lessé a luy, & tout sur ceo nient reservee, &c.

Afcun fois vn reservation obtaint & port hors vn autre chose que ne fuit deuant: Come si vn home lessa ses terres reseruant annuelment par ceo xx. li. &c. Et divers autres tielx reservations y sont.

Et nota que en auncient temps, leur reservations furent scibien (ou pur le plus part) en Victuals, soit ceo Carne, Pisse, Blees, Pain, Boyer, ou autrement, come en mony, ranque al darrain & specialment en le temps del Roy Henry le 1. par agreement, le reservation de victuals fuit change en prist money, come il ad ranque cy continue.

Resignation.

The Exposition of

Resignation.

Resignation est lou vn Incumbent d'un Eglise resigne ou relinquit al Ordinarie, que luy ait admit a ceo, ou a ses successeurs, & ceo differt del surrender quant per cel il a quele resignation est fait nad aucun interest en le chose issint resigne, mes cestuy a que surrender est fait auoit per ceo le chose mesme per ceo surrender.

Resignation.

Resignation is where an Incumbent of a Church resigneth or leaueh to the Ordinarie, which he admits him to it, or to his successors, and that differeth from Surrender, when by that he to whom the resignation is made, hath no interest in the thing so resigned, but he to whom the Surrender is made, hath by that the thing it selfe by the Surrender.

Retraxit.

Retraxit est le preterpresentence de *Retraho*, compounded per *Re* & *Traho*, que signifie *Retraho*, pur euulser arere. Et est quant le partie plaintife ou demandant vient en proper person en le Court lou son iuit est & dit que il ne voit *ulterius prosequi in placito illo*, &c. Ore ceo ferra vn barre al action a tousiours.

Retraxit.

Retraxit is the preterpresentence of *Retraho*, compounded of *Re* and *Traho*, which make *Retraho*, to pull backe. And is when the partie plaintife or demandant cometh in proper person into the Court where his plea is, and saith that hee will not proceed any farther in the same, &c. now this shall be a barre to the action for ever.

Reene.

Reene est vn officer, mes plus conus en auient temps que a ceo iour: Car chescun mannour ad

Reene.

Reene is an Officer, but more knowne in ancient time than at this day: for almost every mannour had

had then a Reeve, and
 her still in many Copy-
 hold manors (where the
 old custome any thing pre-
 vailleth) the name and of-
 fice is not altogether for-
 gotten: And is in effect that
 which now every Bay-
 life of a mannour practi-
 seeth, although the name of
 Baylife was not then in
 use amongst us, being
 since brought in by the Nor-
 mans: But the name of
 Reeve anciently called
 Gereve, (which particle
 Ge) in continuance of
 time was altogether left
 out and lost) came from
 the Saxons word Gerfa
 which signifieth a Ruler:
 And so indeed his rule and
 authoritie was large with-
 in the compasse of his
 Lordes Mannour, and a-
 mong his men and tenants,
 as well in matters of go-
 vernement and peace and
 wars, as in the husfull use
 and trade of husbandrie:
 For as hee did gather his
 Lordes rents, pay reprises,
 or duties, issuing out
 of the Mannour, let the
 servants to worke, sell
 and cut downe Trees to
 repaire the buildings
 and inclosures, with
 divers such like for
 his Lordes commodities,

donques vn Reeve, & vn-
 cote en divers Copiehold
 manors (ou le veile custome
 afeun chose preuaile) le nos-
 me & Office nest en tout
 oblie: Et est en effect ceo
 que a ore chescun Bailife
 dun mannour practife, nient
 obstaunt le nosme de Bai-
 life ne suit donques en vre
 enter nous, esseant puis
 portains per les Normans:
 Mes le nosme de Reeve aunc-
 cient rent appelle Gereve,
 (quel perticle Ge) en con-
 tinuance de temps, fait ou-
 sterment omise & perde)
 vient del Saxon parol Ge-
 rafa, que signifie va ra-
 ler: Et issint verament son
 rule & auctorite fuit
 large deins le compasse del
 Mannour son seignour,
 & enter ses homes & Te-
 nants, sibi en choses de
 gouvernement en peace &
 guerre, come en le skil-
 ful vse & trade de hus-
 bandrie: Car sicome il
 collect les rents del Seig-
 niour, pay reprises ou
 duties, issuant hors del
 Mannour, appoint les ser-
 vants de worker, succide
 & decoupe arbres pur re-
 parer les edifices, & en-
 closures, ouesque divers
 tiels semblables pur le
 commodite del Seignour,

N n issint

The Exposition of

Issintaux il ad auctorite
de gouverner, & garder les
Tenants en pax, & sil be-
soigne deconduict euz en
guerre.

So also hee had auctoritie
to governe and keepe the
tenants in peace, and if need
required to leade them forth
to warre.

Reuerſion.

Reuerſion de terre, est vn
certaine eſtate remainant
en le Leſſor ou Donor, apres
le particulier eſtate & pos-
ſeſſion conuey al vn autre
per lease pur vie, ou ans, ou
done en taile.

Et est appel vn Reuerſion
en reſpect de le poſſeſſion
ſeperate de ceo: Issint que
il que ad le vn, nad le autre
a meſme le temps, car eſte-
ant en vn corps ſimul, la ne
poit eſte dit vn Reuerſion,
pur ceo que p le vaiſing lun
est merge en l'autre.

Et issint le reuerſion del
terre est le terre meſme quat
il elchueſt.

Rior.

Rior est lou ttois (al
meines) ou plures ſont
aſſenſilloyal Aſ: come de
bater vn home, entre ſur le
poſſeſſion d'un auer, vel hu-
juſmodi.

Reuerſion.

Reuerſion of land, is a cer-
taine eſtate remaining
in the leſſor or donour, af-
ter the particular eſtate and
poſſeſſion conueyed to ano-
ther by lease for life, or
yeares, or giſt in taile.

And it is called a Re-
uerſion in reſpect of the poſ-
ſeſſion ſeperate from it:
ſo that he that hath the one,
hath not the other at the
ſame time, for being in one
body together, there can-
not bee ſayd a Reuerſion,
becauſe by the diuiſing, the
one of them is diſſolved in
the other.

And ſo the reuerſion of
land is the land it ſelf when
it falleth.

Rior.

Rior, is where thre (at
the leaſt) or more, doe
ſome vniuſfull Aſ: as to
beate a man, enter vpon
the poſſeſſion of another, or
ſuch like.

Robberie.

Robberie.

Robberie.

RObberie is when a man taketh any thing from the person of another feloniously, although the thing so taken bee not to the hurt but of a penny, yet it is felony for which the offender shall suffer death.

RObberie est quant vn home prent ascun chose del person d'un autre feloniouslyment, coment que la chose prise ne soit al value forsque d'un denier, yncore il est Felonie, pur quel le offender sufferra mort.

Rout.

Rout.

ROut is when people doe assemble themselves together, and after doe proceed, or ride, or goe forth, or doe more by the instigation of one or more, who is their leader: This is called a rout, because they do move and proceed in routs & numbers.

ROut est quant people assemble eux mesmes, & puis procedant, ou chiuauchaunt, ou alant auant, ou mouent per instigation de vn ou plusors, queest conducer de eux: Cest appel vn Rout, pur ceo que ils mouent & proceed en routs & numbers.

Also where many assemble themselves together upon their owne quarrels and braules as if the inhabitants of a town wil gather themselves together, to breake hedges, pales, or such like, to haue common there, or to haue another that hathdon to them a common displeasure, or such like, that is a Rout: & against the law, although they haue not done or put in execution their mischauncous intent. By the Statute, 2 Ed. 3. cap. 3.

Item ou plures assemble eux sur leur quarrels & braules demesne: Come si les Inhabitants d'un Ville voile assembler eux, pur debruiser huys, mures, fosses, pales; ou tiels semblables, dauer common la, ou de batur vn autre que ad fuit al eux vn common displeasure, vel huiusmodi, cest vn Rout & encounter le Ley, coment que ils nont fait ou mis en execution leur male intent. Veies le Statute 1. M. cap. 12.

The Exposition of

S

Sake.

Sake hoc est placitum & emenda de transgř hominũ in curia vestra, quia (Sake) Anglice, est *Acheson* Galice, & Sake est mis pur sicke, & diciť pur sicke, sake, idem qđ purquel acheson & fake diciť pur forfeit.

Sanctuary.

Sanctuarie est vn lieu pri-
uiledge per le souueraine
p le garder d's vies du homes
queux sont pechers esteant
founded sur le Ley de mercy
& sur le graund reuerence,
bonour,& deuotion, que le
souueraine port al lieu a que
il graunta tiel priuiledge,
que fuit cy graund en temps
passe, que les souuerains
ont graunt meisme en cases
de trefaon perpetres encon-
ter eux meismes, murder,
rape, ou autre crime quecun-
que, de ceen veies Stamford
pl. del cor. lib. 2. ca. 38.

Sarpler.

Saiper est vn quantity
de lane que en Escoce

S

Sake.

Sake, that is a place: reparation of trespass of men in your court, because (sake) in English, is Achevon in French, and lake is put for sake, as to say for sake, lake, also for what hurt, and lake is put for forsett.

Sanctuarie

SANCTUARY is a privileged place by the prince for the refuge of men; such as fugitives, offenders, being founded upon the Law of mercy and upon the great reverence, honor, and reputation which the prince beareth to the place. Wherunto he granted such a privilege, which was heretofore so great, that the prince hath granted the same in tales of treason committed against themselves, murder, rape, or other crime whatsoever, beareth, see Stamford pl. of the Crown lib. 2. cap. 37.

Sarpler.

Sampler is a quantity of
Spool which in Scotland

is called Serplath and containeth eighty Stone of Wool, and with is in England a load of Wool commonly by the opinion of some four-score todde, & yett of the todde containe two stone, and every Stone containe pounds, and that a sacke of Wool is in common accord equal with foure, and a Serplath the one halfe of a Sacke.

Scire facias.

Scire facias is a writ judiciall going out of the record, & is lyeth where one hath recovered debt or damages in the R. court, & has suerth not to haue execution within the yere & the day, then after the yere and the day hee shall haue the sapa writte to warne the party, & if the partie come not, or if he come and nothing say, to discharge or stay the execution, then he shall haue a writte of Fieri facias directed to the sheriffe, him commaunding that hee leuie the debt or damages of the goods of him that hath lost.

Also the writte of Fieri facias lyeth within the yere without any Scire facias sued.

est appelle Serplath & containe 80. Stone de lane, & une nous en Anglitterre vn corde de lane consista (per le opinion de aucuns) de 80. todde, & chescun de ceuz todde containa deux stone, & chescun stone 14. hevers, & que vn sacke de lane est en frequent estimation egal oue vn corde, & vn Serplath le moitie dun Sacke.

Scire facias.

Scire facias est vn briefe iudiciall issuant hors de record, & gist lon vn ad recouuer dette ou damages en court le Roy, & il ne fue pas dauer execution deins lan & le iour, donques apres lan & le iour il auera le dit briefe a garner le party, & si le partie ne vient, ou sil vient & ne scauoir riens dire en counter execution, donques il auera vn briefe de Fieri facias, direct al Viscount, luy commaundant que il lenie le dette ou les damages des biens celuy que le perdue.

Auxy le briefe de Fieri facias gist deins lan sans aucun Scire facias suer.

The Exposition of

Auxy si le somme de m'le dette ou damages ne poyt estre leuie des biens celuy que auoyt perdue, donqs il poyt auer vn Briefe de Elegit, direct al Viscount, q'il face luy deliuer la moytie de sa t're & bñs, except ses boues, & affrics de sa carue.

Auxy quant vn ad reconuer det ou damages en acc' p'sonal, (lou le Proces est vn *Capias*) il poit au vn auter Briefe de Execution, appelle *Capias ad satisfaciendum*, pur p'nder le corps celuy que est issint condempne, que sera commit al prison, il lonqs a demurrer sans bayle ou mainprist, tanqs il ad satisfie le partie.

Auxy quant vn ad indgement de reconuer a luy terres ou Tenements, il auera vn Briefe appelle *Habere facias seisinam*, directe al Viscount, luy commandant, de deliuer a luy seisin de mesme le Terre issint recoü. Veyes puis de ceo en le title *Fieri facias*, & en le title *Execution*.

Scot.

Scot, hoc est quicquid esse de qua consuetud, sicut

Also if the somme of the same debt or damages may not be leuied of the goods of him that hath lost them, hee may haue a writ of Elegit directed to the Sherriffe, that hee cause him to deliuer the one halfe of his lands & goods except his oxen & implements of his cart.

Also when one hath recovered debt or damages in an action personal, (where the proces is a *Capias*) he may haue another writ of execution called a *Capias ad satisfaciendum*, to take the body of him that is so condemned, which shal be committed to prison, there to abide wthout baile or mainprise, till that he hath satisfied the partie.

And when one hath indgement to recover any Lands or tenements, he shal haue a writ called *Habere facias seisinam* directed to the Sherriffe, him commanding to deliuer to him seisin of the same Land so recovered; see more of that in the title *Fieri facias*, and in the title *Execution*.

Scot.

Scot, That is to see what of a certaine Custom or

of common tallage made to the vis of the shire of bay-
liffe.

de communi tallagio facto
ad opus Vicecomitis vel bal-
liuorum eius.

Knights seruice.

Sernice de Chivaler.

TH holde by Knights Ser-
uice, is to hold by homage
fealtie, & escuage. & it dya-
weth to it ward, mariage, and
reliefe.

Tenerper *Sernice de Chiva-
ler*, est a tener per Ho-
mage, Fealtie, & Escuage, &
treit a luy Gard, Marriage, &
reliefe.

And note that Knights
seruice is seruice of lands of
tenements, to beare Armes
in war in the defence of this
realme, and to owerh ward
and marriage, by reason
that none is able, nor of po-
wer, or may haue know-
ledge to beare armes before
that he be of the age of xxi.
yeares. And to the end that
the Lord shall not lose that,
that of right hee ought to
haue, and that the power of
the realme be nothing weak-
ned, the Law will because
of his tender age, that the
Lord shall haue him and his
lands in his ward til the full
age of him, that is to say,
xxi. yeares.

Et nota, Que Seruice de
Chivaler est seruice de Ter-
res ou tenemens, pur armes
porter en guerre en defence
del Royalme, & doyt Garde,
& Marriage appent, per rea-
son que nul est able, ne de
power, & ne poit auer conu-
sans d'armes porter, deuant
que il soit del age de 21. ans.
Et al fine que le Seignior ne
perdera ceo que de droyt il
poyt auer, & que la power
de la Royalme de ryen ne
soyt enfeeble, la le Ley vo-
et per cause de son tender
age, que le Seignior luy a-
uera en la Garde tanque al
plein age de luy, cestascavoir
21. ans.

Note of that moze in the
title Grand Sericantie, & the
title Escuage.

Vies de ceo pluis en le tit?
Grand Sericantie, & en le tit?
Escuage.

N. 7. 4.

Shacke.

The Exposition of

Shack.

Shacke.

Shack est vn peculier nomme de common vſe en le pais de Norfolk, & auers de aler a Shack, est tant adire come de aler a libertie ou de aler a large. Et cest common appel Shack que en le commencement fuit forsque en nature de vn feeding pur cause de voisinage, par auoyding de fuit, en ascuns lieux deins cest pays est per custome alter en nature dun common appendant ou appartenant, & en ascuns lieux ceo retaine son original nature, *Coke lib. 7. fol. 5.*

Shack is a peculiar name of Common, bled in the Countrey of Norfolk, and *Cattell* to goe to *Shacke*, is as much to say, as to goe at libertie, as to goe at large. And this Common called *Shacke*, which in the beginning was but in nature of a feeding, by cause of Vicinage, for auoyding of fuit, in some places within this Countrey, is by custome altered into the nature of Common appendant, or appartenant, and in some places it retaineth its original nature, *Co. lib. 7. fol. 5.*

Sessions.

Sessions en nostre ley est vn seiaunce des Iustices en Court sur leur commission, come les *Sessions* de Oyer & Terminer, *St. pla. Cor. fol. 67.* Quarter *Sessions*, autrement appelle generall *Sessions* ou ouert *Sessions*, *Anno 5. Elizab. cap. 4.* encounter queux sont priuate ou especial *Sessions* qux sont procuree sur ascun especial occasion p le plus subite selsance de Iustice, *Crompt. Iust. de P.*

Sessions.

Sessions in our Law is a sitting of iustices in court vpon their commission, as the *Sessions* of Oyer & Terminer, *St. Pl. Cor. fol. 67.* Quarter *Sessions*, otherwile called generall *Sessions*, or ouert *Sessions*, *5. Eliz. cap. 4.* open *Sessions* whereunto are petiaie or especial *Sessions*, which are procured vpon some especial occasion, for the speedy expedition of Justice, *Crompt. Iustices of P.*
fol,

fol. 110. What things are
inquirable in general Ses-
sions, see *Crompt. an above*,
and fol. 109. *Petit Sess-*
ions of Statute Sessions
are held by the high Con-
stable of every hundred
for the placing of servants,
Anno 5. Eliz. cap. 4. in the
end.

fol. 110. Queux choses sont
enquirable en general Sessi-
ons veies *Crompt. vi supra*, &
fol. 109. Petit Sessions ou
statute Sessions sont tenus p
le hault Constable de che-
cun hundred par le placing
de seruaunts, Anno 5. Eliz. cap. 4.
in fine.

Seuerance.

Seuerance is the singling
of two or more that are
ioyned in a writ; As if
two are ioyned in a writ de
Libertate probanda, and the
one afterward is nonsuited,
in this case seuerance is
permitted, so that notwith-
standing the nonsuit of the
one, the other may alone
proceed, F.N.B. fol. 78. See
of this Brooke tit. Seuerance
& Summons fol. 238. For
it is harder to know in
what cases Seuerance is
permitted than what it is.
There is also Seuerance
in Assise, old Booke of En-
tries fol. 81. Col. 4. And
Seuerance in Detraint fol.
95. Col. 2. And Seuerance
in Writ fol. 200. Col. 1.
And Seuerance in Quare
impedit, Coke lib. 5. fol. 97.

Seuerance.

Seuerance est le mitter hors
de vn ou plusors que sont
ioyne en vn briefe. Come si
deux sont ioyne en vn briefe
de Libertate probanda & puis
lun soit nonsuit, en cest case
seuerance est permit, issint q
nient obstant le nonsuit de
lun, le autre poit seueralment
proceed, F.N.B. fol. 78 de ceo
veies Brooke tit. Seuerance &
Summons fol. 238. car est plu-
is duf a cognustre en queux
cases Seuerance est permit, q
quel y est. La est auxy Seue-
rance en Assise, veile lieur De-
tries fol. 81. Col. 4. Et Seue-
rance en Attaint fol. 95. Col.
2. Et Seuerance en Dette
fol. 200. Col. 1. Et Seuerance
en Quare impedit, Coke lib. 5.
fol. 97.

Shewing

The Exposition of

Shewing.

Shewing.

Shewing, hoc est quietum esse cum attachiamento in aliqua Curia, & coram quibuscunque in querelis ostensis & non aduocat.

Shewing, that is to be quit with attaching in any court, & before whomsoever in plaints shewed, and not answered.

Sok.

Sok.

Sok, hoc est secta de hominib' in curia vestra, secund' consuetud' regni.

Sok, that is suite of men in your court, according to the custome of the realme.

Sokmans.

Sokmans.

Sokmans sont les tenants en antient Demesne, q'ux tiēt leur frēs per socage, cē adire de seruice del Carue, & p' ceo ils sont appell' Sokmans, que est tant adire come Tenants, ou homes q'ux tient per seruice del Carue, ou hōes del Carue: Car Sok signifie vn Carue.

Sokmans are the Tenants in antient demesne, that held their lands by Socage that is by seruice with the plow, & therefore they are called Sokmans, which is as much to say, as tenants, or men that hold by seruice of the plow, or plowmen: For Sok signifieth a plow.

Et ceux Sokmans ou Tenants en Antient Demesne, ont plusieurs & diuers Liberties done & grant a eux per le Ley, cybien ceux Tenants queux tient d'un common person en antient Demesne, come ceux queux tient del Roy en antient demesne, cōe noīnement destte quite de payer Toll en chescun Mar-

And these Sokmans or tenants in antient demesne, haue many & diuers Liberties giuen & grāted to them by the Law, as well those tenants that hold of a Common person in antient Demesne, as those that holde of the K. in antient Demesne, as nameli to bee free from paying toll in euery Mar-

ket, Fayre, Towne, and
Cittie throughout the whole
Realme, as well for their
Goods and Chawells that
they sell to others, as for
those things that they buy
for their provision, of other.
And thereupon, enerie of
them may sue to haue Let-
ters Patents under the
Kings seale, directed to his
Officers, and to the May-
ors, Bayliffes, and other
Officers in the Realme,
to suffer them to bee Colle-
ctres.

Also to bee quit of Don-
tage, murage, and passage,
as also of Taxes and talle-
ges graunted by Parlia-
ment, except that the King
take ancient demesne, as he
may at his pleasure for some
great cause.

Also to be free from pay-
ments towards the expen-
ces of the Knights of the
shire that come to the Par-
liament.

And if the Sheriffe will
distreine them, or any of
them to bee contributaries
for their Landes in auncient
Demesne, then one of
them, or all as the Case re-
quireth, may sue a Writ
directed to the Sheriffe, com-
manding him that hee doe
not compell them to bee con-
tributarie to the expenses

ket, Fayre, Ville, Citie,
& p r tout le Royaulme, cy-
bien pur leur Biens & Chat-
tells que ils vende as auters,
come pur ceux choses que ils
achaterount pur leur pro-
uision, de auters. Et sur
ceo chescun de eux poyt
suer d'auer Letters Patents
desouth le Sealele Roy, di-
recte a ses Officers, & al Mai-
ors, Bayliffes, & aus Officers
en le Royaulme, de suffer eux
destre quit de tolle.

Item destre quit d  p tage,
murage, & passage, & auxy
de taxes & tallages grant p
Parliament, sinon quel Roy
take antient demesne, come
il poyt a son pleasure, pur
grand cause.

Auxy destre quit de paymt
a les expences del Chivalers
del Shire, queux vi t al Par-
liament.

Et si le Viscount voyle
distreiner eux, ou ascun
de eux, destre contribu-
torie pur leur Terre en
Auntient Demesne, don-
ques lun de eux, ou toutes
come le Case require, poit
suer vn Brieft directe al Vis-
count, luy commandant que
il ne compelle eux destre
Contributories al expences
de

The Exposition of

de Chivalers. Et m le briefe luy commaund auxy, que sil ad distraint ceux par ceo, que il redeliuer mesme le distresse.

Item que ils ne deueront estre impanel, ne mis en iuries & Enquests en le pays hors de leur Maunour ou Seigniorie de aumient demesne, pur les terres queux ils teigne la (sinon que ils ont auters terres al common Ley, pur queux ils deueront estre charge.) Et si le Vicount retourne eux en panels, donques ils poient auer vn briefe direct a luy de *Non ponendis in assisis & iuratis*: Et sil face al contrarie, donques gift attachment sur ceo enuers luy.

Et issint e auxy si les baylives des franchises q̄ux ont retornes de b̄es voile return asc' del tenants q̄ux teign in auncient demesne en assises, ou iuries.

Et auxy destre exempts del Leetes, & de Turnes de Vicount, ouesque diuers auters semblable liberties.

of the Knights. And the same writ doeth commaund him also, that if he hath already distrained them, sheweth, that he redeliuer the same distresse.

Also that they ought not to be impanelled, nor put in Juries and Enquests in the Countrey out of their Manors or Lordshipp of auncient demesne, for the lands that they hold there (except that they haue other lands at the common law, for which they ought to be charged.) And if the Sheriffe doe returne them in panels, then they may haue a writ directed to him, de *Non ponendis in assisis & iuratis*: And if he doe the contrarie, then ipso an Attachment vpon that against him.

And so it is also if the baylives of franchises that haue returned of writs will returne any of the tenants which holde in auncient demesne, in Assises or Juries.

And also to be exempt fr̄ Leetes, and the Sherifes Turnes, with diuers other such like liberties.

Socage.

Socage.

Tener en Socage est a tener de ascun Seignior terres

To hold in Socage is to hold of any Lord landes

The Exposition of

Et nota bien, si gardian
en Socage fait waste, il ne
serra my impeache de wast:
Mes il rendra accompt al
heire quaut il viendra al
pleine age de xxj. ans: Et
veies le Statute de Marle-
bridge capitulo 17. pur cest
matter.

And note well, that if the
Guardian in Socage doe
make waste, hee shall not bee
impeached of waste, but he
shall paye accompt to the
heire when he shall come to
his full age of xxi. years:
And looke the Statute of
Marlebridge cap. 17. for this
matter.

Socage de ancient tenure,
est ceo lou les gents en an-
cient demesne tenoyent, que
ne soloyent auter Brieve a-
voir, que le brieve de Droit
close, & que sera determinee,
*Secundum consuetudinem
manery*; & le Monstraue-
runt, pur eux discharge quāt
leur Sür eux distrain p faire
auter services que faire ne
duissent.

Socage of auncient Te-
nure; is that where the
people held in auncient de-
mesne, which use no other
waie to haue then the writ
of Right close, which shall
bee determined, according
to the custome of the Maner
not; and the Monstraue-
runt, for to discharge them
when their Lord distray-
neth them for to doe other
services that they ought not
to doe.

Et cest brieve de Monstraue-
runt doit estre porteneuers
leur seignior, & ceux tenants
teignent tous per un cer-
taine Service, & ils sont
franke tenants de ancient
demesne.

And this writ of Mon-
straverunt ought to be
brought against the Lord;
and these Tenants hold of
by one certaine service, and
these be free tenants of an-
cient demesne.

Socage en base Tenure,
est lou home tient en an-
cient demesne, que ne poit
auer le Monstraerunt, &
pur ceo il est appel le base
Tenure.

Socage in base Tenure;
is where a man holdeth in
ancient demesne, that may
not haue the Monstraverunt
and for that it is called the
base tenure.

Summons

Summons ad warrantizandum, &c.

Summons ad warrantizandum, &c.

Summons ad warrantizandum, and Sequatur sub suo periculo. Set of them after in the title Voucher.

Summons ad warrantizandum, & Sequatur sub suo periculo. Veies de ceux apres en le title Voucher.

Spoliation.

Spoliation.

Spoliation is a suit for the fruits of a Church, or for the Church it selfe, and is to be sued in the Spiritual Court; and not in the Temporal Courts. And this suit lyeth for one Incumbent against another Incumbent, where they both claime by one Patron, and where the right of the Patronage doth not come in question or debate. As if a Parson bee created a Bishop, and hath dispensation to keep his benefice still, and afterward the Patron presents another Incumbent, which is instituted and inducted: Now the Bishop may haue against that Incumbent a Spoliation in the Spiritual Court, because they claime both by one Patron, and the right of the Patronage doth not come in debate, and because that the other Incumbent came to the possession of the

Spoliation est vn suite pur les fruits dun Eglise, ou pur l'Eglise mesme, & est desle sue en le Spiritual Court, & nemy en les Temporal Courts. Et cest suite gist pur vn Incumbent enuers vn autre Incumbent, ou ils ambideux claime per vn Patron, & lou le droit del Patronage ne vient en question ou debate. Come si vn Parson soit cree vn Euesque, & ad dispensation de tenet son Rectorie, & puis le Patron present auter Incumbent, que est instituite & induct: Ore le Euesque poit auer euers cestuy Incumbent vn Spoliation en le Spiritual court, pur ceo que ils ambideux claime per vn patron, & le droit del patronage ne vient en debate, & pur ceo que l'auter Incumbent vient al possession del bene-

benefice per le cours de
Ley Spirituall, cestascavoir,
per institution & induc-
tion, issint que il ad co-
lour de auer ceo, & desse
Parson per le espiritual ley:
Car autrement, sil ne soit
institute & induit, &c. Spo-
liation ne gist enuers luy,
mes pluistost vn briefe de
Trespasse, ou vn Assise de
Nouel disseisin, &c.

Issint est auxy lou vn
Parson que ad pluralitie,
accept auter benefice, per
reason de que le patron pre-
sente vn autre Clerke, que
est institute & induit, ore
lun de eux poit auer Spo-
liation enuers le autre, & don-
ques viendra en debate si il
ad vn sufficient pluralite
ou non. Et issint est de depri-
uation, &c.

Mesme le Ley est, ou vn
dit a le Patron, que son
Clerke est mort, sur que
il present vn autre: La le
primer Incumbent, que su-
it surmise de luy mort, po-
it auer vn Spoiliation enuers
l'auter. Et issint en diuers
autres semblables Cases, de
que veies *Fitz Natura Bre-
uitum*.

benefice by the cours of the
Spiritual Law, that is to
say, by institution and in-
duction, so that hee hath co-
lour to haue it, and hee par-
son by the Spirituall law:
for otherwise if hee bee not
instituted and induceth, &c.
Spoilation lyeth not a-
gainst him, but rather a
wytt of Trespas, or an As-
sise of Nouel disseisin, &c.

So it is also where a
Parson which hath a plu-
ralitie, doth accept another
benefice, by reason whereof
the Patron presents ano-
ther Clerke, who is institu-
ted & induceth, now the one
of them may haue Spo-
liation against the other, and
then shall come in debate if
hee haue a sufficient plura-
lity or not. And so it is of
deprivation, &c.

The same law is where
one sayth to the Patron,
that his Clerke is dead,
whereupon hee presents an-
other: there the first In-
cumbent, which was sup-
posed to be dead may haue
a Spoiliation against the
other. And so it is in di-
uers other like cases. *Sober-
et fitz Nat. Breuitum*.

Scallage.

Scallage, that is to be
quite of a certain Cu-
stome created for the street
taken or assigned in Streets
or Markets.

Suit.

Suit is in foure manners,
that is to say, **Suit Co-**
uenant, **Suit Custome**,
Suit Real, and **Suit**
Service.

Suit-Covenant, is when
your auncestors have coue-
nanted with my ancestors to
sue to the Court of my an-
cestors.

Suit Custome, is when
I and my Ancestors have
been seised of your oxen suit
and your ancestors time out
of mind, &c.

Suit Real, is when
men come to the Sheriffs
Turnes or Leete, to which
Court all men shall be com-
pelled to come to know the
Lawes, so that they shall
not be ignorant of things
that shall be declared there
how they shall be gover-
ned. And it is called **Real**
suit, because of their allegi-
ance, and this appeareth by
common experience when
one is sworn, his oath is

Stallage.

Stallage, hoc est, quietum
esse de quadam consue-
tudine exacta pro platea capi
vel assignat in Nundinis &
Mercatis.

Suit.

Suit est en quatre man-
ners, cest a sauoir, **Suit**
Couenant, **Suit Custome**,
Suit Real, & **Suit Ser-**
uice.

Suit-Couenant, est quant
vostre auncestors ont coue-
nant oue mes auncestors de
suer a le Court de mes An-
cestors.

Suit Custome, est quant ieo
& mes auncestors ont este sei-
sies de vostre suit demesne &
vse ancesters de temps dont
memorie ne eurt.

Suit Real, est quant homes
vient al Turn de Viscont, ou
Leete, a que Courts tous
homes serra compelle dave-
ner a conuulter les Leyes, il-
sint que ils ne serra ignorant
de les choses queux s'grent
monstres la coment ils serra
gouernes. Et est appellé **re-**
al Suit per cause de leur al-
legeance, & ceo appiert per
common experience quant
un est iurie, son oath est

o o que

The Exposition of

que il sera loyal & foyal
home al Roy. Et ceo suit nest
pur le terre que il tient deins
le Counsie, mes per reason
de son person, & pur son re-
siancy la, & doit estre fait
deux foies per an, pur default
de que, il sera amercie &
nemy distraine.

Suit Service, est de fuer al
Turne del Viscont ou Leete,
ou al Court de le Seigniour,
de trois semaines en trois
semaines per sentier an:
Et pur default & ceo vn hom
sera distraine & nemy a-
mercie. Et cest Suit Service
est per reason del Tenure del
terres d'un home.

that hee shall be a loyall and
faithfull man to the King.
And this suit is not for the
land that he holdeth within
the Countie, but by reason
of his person, and his abode
there, and ought to be done
twice a yeare, for default
whereof, he shall be amerced
and not distrained

Suit Service, is to sue
to the Sherifes Turne of
Leete, or to the Lordes
Court, from thise weekes
to thise weekes by the whole
yeare: And by default ther-
of, a man shall bee distrained
and not amerced: And
this suit service is by rea-
son of the tenure of a mans
lands.

Statute Merchant.

Tener per Statute Mer-
chant, est lou home
conult a payer certaine de-
niers a vn auter a certaine
iour deuant le Maior, Bai-
life, ou auter Gardien d'un
Ville que ad poiar de
faire execution de mesme le
Statute, & si le Obligor ne
paya le det a le iour, & rien
de ses biens, Terres, ou Te-
nements ne purront estre
trouers deins le gard le
Maior ou Gardien auant-
dit, mes en auters lieux

Statute Marchant.

TO hold by Statute Mar-
chant, is where a man
knowledgeth to pay cer-
taine money to another at a
certaine day before the Ma-
yor, Baylife, or other War-
dine of any Towns that
hath power to make execu-
tion of the same Statute, and
if the Obligor pay not the
Debt at the day, and no-
thing of his goods, lands, or
tenements may bee found
within the ward of the
Mayor or Warden before-
sayde, but in other places
withouth

Without, then the Recogni-
see shall sue the Recogni-
sance and Obligation with
a certification to the Chan-
cery under the Kings Seale,
and hee shall haue out of
the Chancery a Capias to
the Sherife of the countie
where hee is to take him,
and to put him in prison, if
hee bee not a Clerke, till hee
haue made ageement of the
debt. And one quarter of
the yeare after that hee
shall bee taken, hee shal haue
his Land deliuered to him-
selfe, and make gree to the
partie of the debt, & hee may
sell his land while hee is in
prison, and his sale shall bee
good and lawfull. And if hee
doe not make satisfaction
within a quarter of a yeare,
or if it bee returned, that hee
be not found, and if hee bee
not a Clerke, then the re-
cognissee may haue a writ
out of the Chancery, which
is called *Extendi facias*, di-
rected to al Sherifes where
hee hath Landes, to extend
his lands and goods, and
to deliuer the goods to him,
and to seise him in his lands
to holde them to him and to
his heires, and his assignes,
till that the debt bee leuied
or payed, and for that time
hee is Tenant by Statute
Merchant.

dehors, donques le Reco-
gnissee suera le Recognisance
& Obligation oue vn Cer-
tification a la Chan-
cerie de souz le Seale le Roy,
& il auera hors de la Chan-
cerie vn *Capias* al Viscount
del Countie lou il est de
luy prender, & mitter luy
en prison, si il ne soit
Clerke, tanque il ad fait
gree de la Dette. Et vn
quarter de lan apres ceo
que il sera prise, il auera
sa Terre liuer a luy mesme
pur faire gree a le par-
tie de le det, & il poit vender
sa Terre tanque il est en pri-
son, & son vendition sera
bone & loyall. Et si il
ne face gree deins le quar-
ter dun an, ou sil soit re-
turne que il nest trouue, & si il
ne soit Clerke, adonques
le Recognissee poit auer brief
de le Chuncerie, que est
appel, *Extendi facias*, di-
rect al tous Viscounts lou
il ad Terres de extender les
terres & biens, & les biens
a luy deliuer, & luy seiser en
ses Terres, a tener eux a luy
& a ses hfs, & a ses assignes,
tanque le debt soit leuie ou
pay, & pur cel temps il est
Tenaunt per Statute Mer-
chant.

The Exposition of

Et nota bien, q'en vñ statute Merchant le Recognisee auera execution de tous les terres que le recognisor auoit iour de la recognisance fait, & a seuñ temps puis perforce de m le statute.

Et nota bien, Que quant aucun wast ou destruction est fait p le Recognisee, ses exccutori, ou per celui q ad son estat, le recognisor ou ses exccutori aueront m la ley, eoe est fuisdir de le Tenant per Elegit.

Et nota bien, si le tenant per le statute Merchant vient ouster son terme, cestuy que ad droit poit suer enuers luy qñ *Ventre facias ad computandum*, ou en tantost sicome sur le tenant per Elegit. Vies le statute 11.E.1. & 3 Affon Burnel. 3c. 13.E.1. de Mercatoribus.

Tener en le *Taile*, est lou home tient certain terres ou tenements a luy & a ses heirs de son corps engendres.

And note well, That in a Statute Merchant the Recognisee shall haue execution of all the Lands which the Recognisor had the day of the Recognisance made, and any time after by force of the same Statute.

And note well, That when any waste or destruction is made by the Recognisee, his executors, or by him that hath his estate, the Recognisor or his executors shall haue the same Remedy, as in before sayd of the tenant per Elegit.

And note well, That if tenant by Statute Merchant hold ouer his terme, hee that hath right may sue against him a *Ventre facias ad computandum*, or else enter by writ, as upon tenant per Elegit. And the Statute 11.Ed.1. and of Affon Burnel, and 13.E.1. de Mercatoribus.

To hold in the *Taile* is when a man holdeth certain lands or tenements to him or to his heirs of his bodie begotten.

And

And note well, that if the land be given to a man and to his heirs male, & he hath issue male, he hath the simple, and that was adjudged in the Parliament of our Lord the King. But where land be given to a man & to his heirs males & his body begotten, then he hath fee estate, & the issue female shall not be inheritable, as is appointed the 14 years of E. 3. in 1311, E. 3. 47.

Fee tail is where land is given to a man & his heirs of his body begotten, & he is called tenant in the tail general.

But if land be given to the husband & the wife & the heirs of their two bodies begotten, then the husband & the wife be tenants in the tail especiall. And if one of the die, he that surviveth is tenant in tail after possibility of issue extinct, and if he make waste hee shall not be impeached for that waste, see Littl.

But if the R. give land to a man and to his heirs males, and the donee hath issue male, then the Collaterall of the donee shall not inherit, but the King shall receive, and so it was adjudged in the

Et nota bien, que si le terf soit donec a vn homme & a ses heires males, & il ad issue male, il ad fee simple, & ceo fuit adiudge en le Parliamt nostre Seignior le Roy. Mes lou terres ou tenements sont dones a vn hōe & a ses hīes males de son corps engedres, il ad fee taile, & le issue female ne serra my inherite parer. *Anno 14. E. 3. en vn Assise 18. E. 3. 47.*

Fee taile est lou terre est donc a vn hōe & a ses hīes de son corps engenders, & il est dit tenant en la taile general.

Mes si terre soit donc al baron & feme & al heires de lour deux corps engedres, ore le baron & la feme sont tenants in le taile especiall. Et si vn de euz deuy cesty q survive est tenant en le taile apres possibilitie de issue extinct, & si il face waste il ne serra impeach de cel waste, vide Littl.

Mes si le Roy donec terres a vn homme & a ses hīes males & le donec deuec sans issue male, donques le Collaterall del donec ne inheritera, mes le Roy recevra, & ainsi fuit adiudge en

Le Chequer chamber, 15. H. 8.
en vn information fait vers
le heyre de Sir T. Lovel Chir-
ualier.

Taille apres possibilite.

TENER en le Tayle apres
possibilite d'issue extinct
est l'ou fre est donne a vn hōe
& sa femme, & a les heirs de
leur deux corps engendrez,
& l'un de eux suruiue sauter
sans issue entre eux issuant,
il tiendra sa terre a terme de
sa vie demeurant, come l'enant
en le Taille apres possibilite
de issue extinct. Et non ob-
stant que il fait waste, il ne
sera l'ainies impêche de ceel
waste. Et nota, que si il as-
sen, celui en le reuerzion ne
aura Brise Dentre in don-
m' casu. Mes il pōt entrer,
& son entre est tōgeable per
R. Thorpe chief Justice, 28.
H. 1. 26 & 43. E. 3. 25.

Tales.

Tales est vn supplye de
hommes impaneles sur
vn iurie ou Enquest, & ni-
ent appaunr ou a leur ap-
parance challenge par le
plaintiff ou defendannt
come nient indifferente,

the Exchequer chamber, 15.
H. 8 in an information made
against the heirs of Sir T.
Lovel Knight.

Tails after possibility.

TO hold in the tails after
possibility of issue extinct,
is where land is given to a
man & to his wife, & to the
heirs of their two Bodies
engendred, and one of them
ouerliueth the other with-
out issue betwene them be-
gotten, he shal hold the land
for terme of his owne life,
as enant in the tails after
possibility of issue exting:
notwithstanding that he
be waste, he shall neuer be
impached of that waste. And
note that if he alien, he is
in the reuerzion that not haue
witt of Court in consue casu,
but he may enter, & his en-
try is lawful. R. Thorpe
chief Just. 28. E. 3. 25. & 43. E.
3. 25.

Tales.

Tales is a supplye of
men impaneled upon a
jurie of twelve, and not
appearing, or at their ap-
parance challenged by
the plaintiff or defendannt,
being as not indifferent,
AND

and in this case the Iudge
vpon petition graunteth a
supplie to bee made by the
sherif, of some men there pre-
sent, equall in reputation to
those that were impanelled :
and hereupon the verie act
of supplying is called a Ta-
les de circumstantibus : this
supplie may bee of one or
more, and of as many as
shall either make default,
or else be challenged by each
partie, Stanford Plac. Cor.
li. 3. ca. 5. *Howbeit* hee that
hath had one Tale either
vpon default or challenge,
though hee may haue ano-
ther, yet hee may not haue
the later to contain so many
as the former, for the first
Tales ought to be vnder the
number of the principal pa-
gel, except in a cause of Ap-
peale, and so every Tales
lesse than other, untill the
number be made up of men
present in Court, and such
as are without exception to
the partie or parties. See
Stanford in the place before,
where you may finde some
exceptions to this generall
rule: See Brook. fol. 105.
and Co. li. 10. fol. 99. Bew-
sages case.

& en cest case le Iudge sur
petition grāta vn supplie de-
stre fait per l' Viscont, de as-
cuns homes la present, egal
en reputation oue ceux que
fueront impanell : Et sur ces
le verie act de suppliaunt est
appelle *Tales de circumstanti-
bus* : Cest supplie puit estre
de vn ou plurs, & de cy plu-
sors come ou s'en ont d' fault
ou s'en ont challenge per as-
cun partie, *Stan Pl. Cor. lib. 3.
cap. 5.* Vncore cestuy que a-
uoit ad vn Tales, ou sur de-
fault ou challenge, comenc
que il poit auer vn autre, vn-
core il ne poyt auer l' darrein
de contraincy plusors come
le prim, car l' prim Tales doit
estre desous l' nombre del prin-
cipal pangel, sinon ē vn cause
de Appeale, & issint chescun
Tales meines que autre, iels
que le number soit repleit de
homes present en Court. &
iels que sont sans exception
al partie ou parties, Veyes
Stampsen le lieu deuant, ou
vous pois trouua ascuns excep-
tions al cest genall rule, vies
*Br. fo. 105. & Co. lib. 10. fo. 99.
Bewfages case.*

De 4 Taxe

The Exposition of

Taxe & tallage.

TAXE & tallage for paymts, come dismes, quinzifines, subsidies, outiels semblables grant al Roy p Parliament.

Les Tenants en antient demesne sont quites de ceux taxes & tallages graunts per Parliament, sinon que le Roy taxe antient demesne, come il poit quauant a luy pleist par grand cause. Veies Antient demesne.

Tenure in capite.

TENURE in capite est lou ascunt tencat del Roy, come d son personeleant Roy, & de son Corone, come dun Seignorie per luy si en grosse, & en chief, desus tous autres Seignories. Et Henry fourth uent de luy come de asu manour, honour, ou castle, sinon certaine antient honours, ve patet in Statutes.

Termes dans.

TENIR a terme dans, nest forsque chattel en effect, car nul a ctiō est maintainable enus termor qnt a recouerer

Taxe and tallage.

TAXE and tallage are paymts, as tenths, fifteenths, subsidies, or such like granted to the King by Parliament.

The Tenants in antient demesne are quites of these Taxes & tallages graunted by Parliament, except that the King doe taxe antient demesne, as he may when he thynkes good for some great cause. See Antient demesne.

Tenure in capite.

TENURE in capite is where any hold of the King as of his person being King, or of his Corone; as of a Lordship by tenure in grosse and in chief above all other Lordships. And also where they hold as barons of any manors, honours, castles, except certaine antient honours. Such things are in the Statutes.

Termes dans.

TO hold for termes of yeares is not but chattel in effect, for no action is maintainable against the termor for the recovering of

of the freehold, say no freehold is in him. I lease for terme of years in a chattell real, & all goods which are remouable are chattels personals.

Testament.

Testament is thus defined in *Master Plowden's Commentaries*: A Testament is a witness of the mind, & is composed of these two words, Testatio and mentis, which signify this, namely it is, that a Testament is a witness of the mind, but that it is a compound word. *Aulus Gellius* in his 6. book says both words the same in an excellent *Latiner*, one *Seruius Sulpitius* and sayth, this is a simple word, as are these, *Calciamentum*, *Paludamentum*, *Panimentum*, & diuers such like. And much less is Agreement, a compound word of *Agregatio* and *mentum* as is said before in the title of Agreement, for there is no such Latin word, simple or compound: but it may nevertheless serue well for a late Latin word.

And therefore thus it may better be defined. A Testament is the true

le frankement, car nul frankement est en lay. Lease a terme d'ans est chartel real, & c. tous biens mouables sont chartels personals.

Testament.

Testament est ainsi define ou expound en *Monseigneur Plowden's Commentaries*: Testament est testatio mentis, & est composé de ceux deux parols, Testatio & mentis, que iussint signifie, veray il est, que vn Testament est testatio mentis, mes que il est vn composé de parol, *Aulus Gellius* en son 6. liure cap. 12. denioce, al vn excellent *Lawyer* vn *Seruius Sulpitius*, & dit, que il est vn simple parol, com sont ceux, *Calciamentum*, *Paludamentum*, *Panimentum*, & diuers tiels semblables. Et nullement Agreement, car composé parol de *Agregatio* & *mentum*, come est dit in le titre de Agreement, car il ny a nul tiel latin parol simple ou composé: mes il poit bien obsterue bien vn ley Latin pol.

Et p ceo il poir iussint esse melior define. Testamentum est ultima voluntatis iussentis

The Exposition of

sententia; eo quod quis post mortem suam fieri vult, &c.

Et de Testamentis il y ad deux sorts, sçavoir vn Testament en escript, & vn Testament p. pol, q. est appellé vn Nuncupatiue Testament.

Le prim est tous foys en escript, come est dit.

Le autre est, quant vn home estant malade, & pur pauer que mort, ou fault de memorie, ou de parler, voyt vener cy sodeinement ou hastiuement sur luy, que il serra preuent, si il demurt le scripture de son Testament, requiert ses vicines ou amyes de porter tesmagine de son darreigne volunt, & donques declare ces presentment per parol deuanteux, que aps son decease est prouue per tesmoignes, & mis en script per le Ordinarie, & donqs il est in cy bone force cōs si ceo ad al prim en le vie del Testa este mis in escript: sinon que il soit p. pres nient deuifable per Custome.

Thamus.

Thamus est vn parol que ascun foys, implia vn Noble home, ascun foys

declaration of our last will, of that we would to be don after our death, &c.

And of testaments there be two sorts, namely a Testament in writing, and a Testament in wordes, which is called a Nuncupatiue Testament.

The first is alwayes in writing, as is sayd.

The other is, when a man being sicke, and so; fears his death, or want of memorie, or of speech, should come so suddenly and hastily upon him, that he should bee preuented if he shoud the writing of his testament, notwithstanding his neighbors & friends to beare witness of his last will, and then declareth the same presently by wordes before them, which after his decease is proued by witnesses, and put in writing by the Ordinarie, and then standeth in as good force as if it had at the first in the life of the testator bene put in writing: if it be not so; ldy not deuifable by custome.

Thamus.

Thamus is a word which sometimes signifieth a Noble man, sometimes a free

a free-man, a Magistrate,
an Officer or Minister,
Lambert in the word Tha-
nus. Master Skene sayeth,
That it is a name of digni-
tie, and appoynted to be e-
quall with the sonne of an
Earle. And Thanus was
a freeholder holding his
lands of the K. vn maner-
den with the manner accu-
sed, no sufficient proof being
brought against him, ma-
gistrat purged himselfe by the oath
of 27. men, of 2. Thanes.
The kings thanage signifi-
eth a certayne part of the K.
lands, or property, wherof
the rule & gouernement ap-
pertaineth unto him. Who
therefore is called Thanus,
for the kings demaings, and
the kings Thanage signifi-
eth one and the same thing

vn Franke-home, vn Ma-
gistrate, vn Officer ou Mi-
nister, Lambert verbo Tha-
nus. Mounseieur Skene dit,
Que est vn nosme de Digni-
tie, & appiert desre equall
oue le Fitz d'un Count. Et
Thanus fuyt vn Franke-Te-
naunt tieudrount ses Terres
del Roy, & vn home prise
oue le sang accuse de larcie-
nie, nul bone tesmoigne este-
ant port vers luy, deuoir pur-
ger luy mesme per le se-
rement de vingt sept homesjou
de troys Thanes. Thanagium
Regis implya vn certayn part
des Terres du Roy, ou propertie
de que le rule & gouerna-
ment appartient a luy, que p-
ceo est appel Thanus, car Do-
mania Regis, & Thanagia, sig-
nifiant vn & m le chose.

Them.

Them. That is, That you
shall haue all the Genera-
tions of your Villages,
with their houses and Cat-
tell whersoeuer they shall
be found in England, ex-
cept that if any Bondeman
shall remaine quite one year
and a day in any unillid-
ged towne, so that hee shall
bee secreted into the Com-

Them.

Them. hoc est, quod ha-
beatis totam Generati-
onem Villanorum vestro-
rum cum eorum sedibus &
Catallis vbicunque in An-
glia fuerint inuenta, ex-
cepto quod si aliquis nati-
uus quietus per annum an-
num & diem in aliqua Vil-
la priuilegiata manserit
ita quod in eorum Com-
muni-
am

The Exposition of

muniam vel geldā tanquam
vnu illorum repertus fuerit,
eo ipso a villenagio liberatus
est.

munialte; or gild, as on
of there, by that meanes
he is delivered from villes
page.

Thefbote.

Thefbote.

Thefbote est quant home
prist ascū biens dun laron
de luy fauorer & maintein :
Et nemy quāt home prist ses
biens demesne, que fueront
emblees de luy, &c.

Thefbote is when a man
taketh any goodes of a
thefe to fauor & maintain
him: But not when a man
taketh his owne goods that
were stolen from him, &c.

Le punissement en antient
temps de Thefbot, fuit de
vie & de membre: Mes a ore
Maister Stamford dit, que il
est punishi per ranfome &
emprisonment. Sed quare
car leo pense ceo estre fe-
lonie.

The punishment in an-
ient times of Thefbote was
of life & member. But now
at this day Maister Stamford
sayth, it is punished by ran-
some and by imprisonment.
But enquire farther, for I
thinke it be felonye.

Title.

Title.

Title est lou loyal cause est
veigne a vn home de auer
chose que aucter ad, & il nad
ascun action pur ceo, come
title de Mortmain, ou de ent
p condition enfeit.

Title is where a lawfull
cause is come vpon a man
to haue a thing which ano-
ther hath, & he hath no action
for the same, as title of
Mortmain, or to enter for
breach of condition.

Title de Entre.

Title de Entre.

Title de Entre est quant
vn feise de terre en
se fait feoffement de ceo

Title de Entre is when
any feise of land is be-
maked a feoffment thereof
vpon

upon condition, and the condition is broken: Now after the condition thus broken, the feoffor hath title to enter into the land, & may so doe at his pleasure, and by his entrie the freehold shall bee sayd to bee in him presently.

And it is called Title of Entre, because that hee cannot haue a voyt of right against his feoffee upon condition, for his right was out of him by the feoffment which cannot bee reduced without entrie, & the entrie must bee for the breach of the condition.

sur condition, & le condition est enfreint: Ore apres le condition issint enfreint, feoffor ad title de entree le terf & issint poit quaut a luy pleist, & per son entrie le Franketenement serra dir en luy maintenant.

Et est appel Title de Entre, pur ceo que il ne poit auer brieve de Droit auers son feoffee sur condition, car son droit suit hors de luy per le feoffement, & quel ne poit este reduce sans entree & le entrie doit p le enfreindre de le condition.

Tol or Tolne.

Tol or Tolne is most properly a payment vsed in Cities, Townes, Markets and Faires, for goods and cattels brought thither to bee bought and sold And is alwaies to bee payd by the buyer and not by the seller, except there bee some customs otherwise.

There are diuers other Tolls, as Turne Toll, and that is where Toll is payd for beasts that are driven to bee sold, although thus they be not sold indeed.

Tolle ou Tolne.

Tolle ou Tolne est pluis properment vn payement en Cities, Villes, Markets & Faires, pur biens & chatels port la destre achate ou vende. Et est tous dits destre pay per le achatour, & nemy per le vendor, sinon que soit ascun Custome al contrarie.

Il y ad diuers autres Tols, come Turne Tol, & ceo est lou Tol est pay pur auers, queux sont driuers de bestes vendus coment que ils ne sont vendus.

Item

The Exposition of

Item Tol trauers, ceo est
lou vn cl'aime d'auer vn ob.
ou tiel semble Tol de ches-
cun beast que est diuee sur s^o
Terre.

Also Tolltrauers, that
is where one claimeth to
haue a halfe pennis, or such
like Toll of every beast
that is dyuen ouer his
ground.

Through Tol, est lou vn
Ville prescribe de auer Tol
pur chescun beast que ale
through lour Ville, vn cer-
taine, ou per chescun vint
ou cent, vncertaine: que ne
appiert destre cy vnreasona-
ble prescription ou custome,
come ascuns ont suppose,
nient obstant il soit per le
hault chemin del Roy (si-
come ils ceo appel) lou ches-
cun poit loyallyment passe, si
y ad quid pro quo: Come
si la soit vn pont, ou tiel
semblable commodite, pur-
uey al costs & charges del
ville, pur le ease de traui-
lers que chascun mesme voy,
per que lour journey est ou
abridge ou fait le meliour,
pur que donques ne poit
Tol este demand loyally-
ment & oue bone reason de
eux, &c.

Though Toll, is where
a Towne prescribes to
haue Toll for euery beast
that goeth through their
Towne a certayne: or for
euery score or hundred, a cer-
taine: which seemeth not
to bee so vnreasonable a
prescription or custome,
as some haue thought, al-
though it bee through the
Kings high way (as
they call it) where euery
man may lawfully goe, if
that there bee one thing for
another: As if there bee
a bridge, or such like com-
modite, prouided at the
costes and charges of the
Towne, for the ease of tra-
uailers that dyne that way,
whereby their iourney is
either shortned or bette-
red, why then may not toll
bee lawfully, and with
good reason demanded of
them, &c.

Mes diuers Citizens &
Burgesses sont quit de
payer Tol, per le grant
del Roy, ou ses aunces-
sours, ou claime ceo
per prescription ou cu-
stome. Item auxy espiritual

But diuers Citizens and
townes men are free from
paying Toll, by graunt of
the King or his aunces-
sours, or doe claime the
same by prescription or cu-
stome. So also spiritual
per-

persons and religious men
(as they call them) were
quite of paying Toll for
their goods and Merchandises
bought and sold, &c.
But now the Statute of
King H. 8. anno 21. cap. 13
will that they shall not mer-
chandize.

Also if Tenaunt in auncient
Demesne ought to bee
quite throughout the whole
Realm of paying Toll, as
appeareth before in the Ci-
ties Sokemans. And in
all these cases where toll is
demanded wherett ought
not to be paid of them that
should goe buy and sell toll
free, there the party of par-
ties groeued may haue a
Writ, De essendi quietam
de tolono, directed to him,
or them that so demanded
Toll contrarie to the King
or his Progenitors grant,
or contrarie to Custome or
prescription.

persons & religious homes
(come ils fueront appellees)
fueront quite de Toll pur
leur biens & Merchandi-
ses achate & vendus, &c.
Mes a ore le Statute del Roy
H. 8. anno 21. cap. 13. voit, que
ils ne merchandiseront.

Item Tenaunts en auncient
Demesne doivent estre
quite per toute le Realme
de payer Toll, come appiert
deuant en le title Sokemans.
Et en tous ceux cases ou
Tolle est demaunde ou il
ne doyeste pay de eux que
doient aler achate & vende
quite de tolle, la le partie ou
parties greue poient auer
vn Brieve, De essendi quietam
de tolono, direct a luy
ou ceux que issint demaund
Tolle contra al graunt le
Roy ou sa progenitours, ou
contra al custome ou pre-
scription.

Transgression.

Transgression is a writ
or action of trespass wher-
of there are two sorts, the
one disseintiel, so called be-
cause it is directed to the
Sheriffe is not returnable
but to bee determined in the
countie: The forme wherof
differs fro the other because

Transgression.

Transgression est vn brieve
ou action detrespas de quux
la sont deux sorts, l'un vicoun-
tiel, issint est appel pur ceo q
ilest direct al Viscount &
nest returnable mes destre
determine en le Countie: Le
forme de que differt
del autre pur ceo
que

que nad ceux parolx *Quare vi & armis*, &c. *F.N.B. fol. 25. g.* Lauter est appel vn briefe detrespasse sur le Case que est destre sue en le cotimon Banke ou Banke le Roy, en que ceux parolx *Vi & armis*, sont tous foits vlc, & de ceo veies *F.N.B. fol. 92.c.*

that is hath not the *sworpen* *Quare vi & armis*, &c. *F.N.B. fol. 25. g.* The other is called a *Writ of trespass* upon that case which is to be sued in the common bank of the Kings bench, in which are alwaies these *sworpen* *Vi & armis*, used, and heretofore *F.N.B. fol. 92.c.*

Travers.

Travers.

Travers.

Travers ascun foits implia a denier ascun foits a subuert ou defaire vn chose fait, p le primer, *West. p. 2. sect. 54.* parlant d'un respons a vn Bil en le Chauncerie dit, Que il est ceo que le Defendaunt pleade ou diten barre de auoyer le Bil del Plaintife ou Action, ou per confession & auoidance, ou per deniant & trauersant ds material poynts du ycel; Et arere *Sect. 55.* vn replication est le parlance del Plaintife ou respons al respons del Defendaunt que doit de affirmer & pursuer son Bil & conuincie & auoyer, denyer, ou trauerser le respons del defendaunt, & les formal parols de cest trauers sont, Sans ceo, ou en Latine, *Abque hoc*, veies *Kitch. fol. 227.*

Travers sometimes signifyeth to deny, sometime to counterpose or to bee a thing done; for the first *W. p. 2. S. 54.* speaking of an answer to a *Bill* in the Chancery saith, That it is that which the Defendaunt pleades or saith in barre to auoid the Plaintifes *Bill* of Action either by confession and avoyding, or by denying and trauersing of the materiall poynts therof: And againe *Sect. 56.* a replication is the Plaintifes spech of answer to the Defendaunts answer which must affirme and pursue his *Bill* and confesse and anoyde, deny, or traaverse the Defendaunts answer, and the second *sworpen* of this *Travers*, is, without that, or in Latine, *Abque hoc*, veies *Kitch. fol. 227.*

In the other significati-
on it is found Stamford pre-
rog. ca. 20. the whole chap-
ter, who speaking of the tra-
uersing of an Office, saith,
that it is nothing els, but to
proue that an Inquasi-
on taken of goods or lands
by the Escheator is defe-
ctive and intrinsy made.
So trauersing of an indit-
ment is to take Issue upon
the chiefs matter thereof,
which is nothing els to say
than to make contradiction
or to deny the poynt of the
Indictment: as in a Wre-
stment against B. for
a high way ouer his house
with water for default of
scowring of a ditch which
hee and they whose estate
hee hath in certaine Lande
there haue vsed to scowre
and cleanse, B. may tra-
uerser either the matter,
that is to say, That there
is not any high way
there, or that the Ditch
is sufficiently scowred: or
otherwise he may trauerser
the cause, That hee hath
not the Land, &c. or
that hee and those whose
estate, &c. haue vsed to
scowre the Ditch, Lam-
bert Eirearchia lib. quart.
pagin. 321. of Trauerser,
see the whole Chapter
Kitch. fol. 240. See also the

En l'autre signification
il est troue Stamford pre-
rogat capit. 20. per tout
le chapitre, que parlant
del trauersing d'un Office,
dit, Que ceo est riens au-
ter forsque approuer que
vn Inquisition fait de bi-
ens ou Terres per le Es-
cheator est defectiue &
fauxment fait. I'istat
trauersing d'un indictment
est a prendre issue sur le
primer matter du ycel,
que est riens auter adire
que a faire contradiction
ou a denier le point del
Endictement: Come en
presentment vers A. pur
vn hault chemin surround
ou ewe pur default de
escourance d'un fosse que
il & ceux que estateil ad
en certaine Terres la ont
vsé discowrer & clensier,
A. poit trauerser ou le
matter, cest adire, Que
la nest aucun hault chi-
min la, ou que le fosse
est suffisient escowre, ou
autement il poit traue-
ser le cause, que il nad
le Terre, &c. ou que il &
ceux que estate, &c. ont
vsé de escowrer le fosse.
Lambert Eirearchia lib.
4. pag. 311. De trauers
veies tout le chapitre en
Kitch fol. 240. Veies aux le
P p vciol

The Exposition of

veiel *Livres de Entries* veibo
Trauers.

old *Books of Entries*, the
woyde Trauers.

Treason.

TReason est en deux man-
ners, cest a scauoir, hault
Treason, & petit *Treason*,
come est ordeine par les sta-
tutes. Et ideo vide statuta,
& *Statut. li. 1. ca. 2.*

Treason.

TReason is in two man-
ners, that is to say,
grand *Treason*, and petit
Treason, as it is ordeined
by the Statutes. And there-
fore looke the Statutes, and
Statut. lib. 1. ca. 2.

Treasure Troue.

Treasure troue est quant
aucun money, ore, ar-
gent, plate, ou bullion, est
troué en aucun lieu, & nul
conquist a que le proprietie
est, donques le proprietie
de ceo appertient al Roy,
& ceo est dit *Treasure*
troue, cest adire *Treasure*
troue. Mais si aucun Mineral
de metall soit troué en aucun
terre, ceo tous soit pertient
al seignior del soile, forsque
que il soit mineral de ore ou
argent, queux seront tous
soit al Roy, en quecun-
que soyle que ils sont
troues.

Treasure troue.

Treasure troue is when
any money, gold, sil-
uer, plate, or bullion, is
found in any place, and no
man knoweth to whom
the proprietie is, then the
propertie thereof belongeth
to the King, and that is
called *Treasure troue*, that
is to say, *Treasures found*.
But if any Mine of Met-
tal be found in any ground,
that alway pertaineth to
the Lord of the Soyle, ex-
cept it be a mine of gold or
silver, which that bee alway
to the K. in whose ground
soever they be found.

Trial.

Trial, la sont plusieurs
maners de ceo, come
des matiers en fait ils ser-
ront trie par les iurours

Trial.

Trial there are many
manners thereof, as
of matters in fact, they
shall be tried by the iurors

of matter in Reue, by the
 Indictment, of matters of re-
 cord by the Record it selfe :
 a Lord of Parliament by
 on an Indictment of treason
 or felonie shall be tried by
 his Peeres without any
 oath, but upon their honours
 and allegiances, but in ap-
 peale at the suit of any sub-
 iect they shall be tryed per
 probos & legales homines.
 If auncient Demesne be
 pleaded of a Manor, and
 denied, this shall be tried
 by the Record of the Booke
 of Domesday in the Ex-
 chequer. In Spoilata
 shall be certified by the
 Abbot or other religious
 Governour to whome he
 owed obedience : generall
 Bastarden, excommunga-
 ments, lawfulnessse of mar-
 riage, excolession, and di-
 vers other matters Eccle-
 siasticall shall be tryed by
 the Bishops Certificate :
 And a great number of o-
 ther tryals there are where-
 of see Coke Lib. 9. the case
 of the Abbot of Strata
 Mercella, fol. 23.

de matters en ley, per les Ju-
 stices, de matters de Record
 per record mesme : vn Sei-
 niour de Parliement sur in-
 dictment de treason, ou fe-
 lonie sera trie per ses peers
 sauns ascun serement, mes
 sur leur honours & allegi-
 ances, mes en appeale al
 suit d'aucun subiect ils sera
 trie per probos & legales
 homines. Si auncient De-
 mesne soit pleade d'un ma-
 noir & denie, ceo sera trie
 per le Record del Liure de
 Domesday en Leschequer.
 Vn Apostata sera certifie
 per le Abbot ou auter reli-
 gious Gouvernour a que'il
 doit obedience : general
 bastardie, excommungement
 loyaltie de matrimonie,
 profession, & diuers auters
 matters Ecclesiasticall ser-
 rount tries per le certifi-
 cate del Euesques : Et vn
 grand number des au-
 ters trialls la sont de queux
 veies Coke, Lib. 9. Le case
 del Abbot de Strata Mer-
 cella, fol. 23.

Trouer.

Trouer.

Trouer is an action
 which a man hath against
 another that having found a-
 ny of his goods refuse to re-
 turne them.

Trouer est vn action
 que home ad vers vn
 auter que ayant trouue
 aucun de ses biens refuse a
 P p 2 deliuer

The Exposition of

deliuer eux surdemaunde.
Veis le veill liuer de En-
tries, parol, Trouer.

Deliver them upon demand:
See the old Booke of En-
tries, word, Trouer.

Turne del Viscont.

Turne del Viscont, est vn
court de Record en tous
choies que pertaine al turne.
Et est le Leete le Roy per
tout le countie, & le Viscont
est Iudge. Et quecunque ad
vn Leete, ad mesme le au-
thoritie deins le precinct,
sicome le Viscount ad deins
le Turne.

Et cest Court est destre
tenuz deux foits chescun
an, vn foits apres Pasche, &
arere puis Michaelm. & ceo
deins vn mois apres chescun
feast, *anno 3. Edw. 3. cap. 15.*
De cest Court sont exempt
solement Archieuesques,
Euesques, Abbots, Priours,
Countes, Barons, religious
homes, & femes, & tous
ceux queux ont Hundreds
de leur demesne destre te-
nus. Cest Court est apper-
teinant & incident al Office
del Viscount & ne doit
estre seuer de ceo, & le Vis-
cont est de constituer Clerks
soubz luy en cest Court, ti-
els pur que il voile a son pe-
ril responder: Mes il ne
poit presenber de pren-
der aucun chose pur le tener

Sherifes Turne.

Sherifes Turne is a court
of Record in all thinges
that pertaine to the Turne:
And it is the Kings Leete
through all the Countie,
and the Sherife is Judge.
And whosoever hath a
Leete, hath the same autho-
ritie within the precinct,
as the Sherife hath with-
in the turne.

And this Court is to be
kepe twice in euery year,
once after Easter, and a-
gaine after Michaelmas,
and that within one mo-
neth after each feast, *Anno*
3. Edw. 3. cap. 15. From this
Court are exempted onely
Archbishops, Bishops, Ab-
bots, Priors, Carles, Bar-
ons, all religious men, and
women, and al such as have
hundreds of their owne to
be kept. This Court it apper-
taineth & incident to the
office of the Sherife & ought
not to be seuered therefrom
and the Sherife is to appoint
Clerkes vnder him in this
court, such as hee will at his
perill answer for; But hee
cannot prescribe to take
any thing for the keeping
of

of his Turne, because that
he has an officer remouable
See Coke lib. 2. & 23. li. 8.
12. and Master Daltons
booke of Sherifes eif She-
rifes Turne.

de son Turne, p. ceo q il est
vn officer remouable. Veies
Coke lib. 4. 33. & lib. 6. 12. &
Monsieur Daltons liū de vis-
counts, sit. Sherifes Turne.

V

Verge.

Verge is the compasse about
the h. court that bound-
eth the iurisdiction of the
Lord Richard of the h.
household, & of the Coroner
of the kings house, so that
he cannot intermeddle with-
in the Countie south of the
verge, because that his of-
fice extendeth not thereun-
to, as the Coroner of the
countie cannot intermeddle
within the Verge, for it is
excted forth of his office by
the common law, & it seemeth
against reason that their of-
fices & iurisdiccions being
seuerall, that the one shou-
d intermeddle within the iur-
isdiction of the other, And
this Verge seemeth to bee
seuerall miles. See 13. R. 2.
statut. 1. cap. 3. Fitz N.B.
fol. 241. Britton fol 68 Fleta
lib. 2. capit. 2. Coke libro 4.

V

Verge.

Verge est le compasse enui-
ron le court le Roy que li-
mit le Iurisdiction del Seig-
nour Seneschall del hostell
le Roy & del Coroner del
hostell le Roy, issint que il
ne poit entermeddle deyns
le Countie hors del Verge,
pur ceo que son office ne
extende a ceo come le Cor-
oner del Countie ne enter-
medlera deins le Verge, Car
ceō fait exempt hors de son
office per le common Ley,
& semble encounter reason
quelour Officers & Iurisdic-
tions esteant seuerall, que
lun entermedlera deins le
Iurisdiction del autre, Et cel
Verge semble destre douze
milliares. Veies 13. Rich. 2.
statut. 1. cap. 3. Fitzherbert
Natura. 2. fol. 241 Britton. fo.
86. Fleta lib. 2. cap. 2. Coke li. 4.

The Exposition of

fol. 46. 33. H. 8. cap. 12.

Verge ad auxy vn aut signification, & est vñ p. vn stick ou rod p que vn est admit tenant, & tiendront ceo en son maine fait serement de fealtie al Seignour del Manor, & p ceo est appel tenant per le Verge. Veies veiel N. B. fol. 17. & Littleton lib. 1. cap. 10.

fol. 46. & 33. H. 8. cap. 12.

Verge hath also another signification, & is used for a stick or rod by which one is admitted tenant, & holding it in his hand taketh the oath of fealtie to the Lord of the manor, and for that cause is called tenant by the Verge. See old N. B. fol. 17. & Lit. lib. 1. cap. 10.

Verderor.

Verderor est vn officer en les Forrests del Roy, & lieu per les franktenants del countie, lou le Forrest est, per bre del Roy, direct al Vic de ceo faire, cōc appiert p les lieures del Register, & del nature d's bres, & sont appellees in Latin *Viridarii*, come semble de le parol *Viride*, q̄ est in Anglois *Greene*, en Frācoys *Verd*, car vn grand part de lour office est touchant le *Verd*, cest a scauoir, l'bois & herbes creissant en le Forrest, p quel veies pluis en le Charter & Leyes del Forrest.

Verderor.

Verderor is an Officer in the Forrests of the King, chosen by the freeholders of the county, where the Forrest is, by a writ of the King, directed to the Sherife to doe it, as it appeareth by the books of the Register, & of the nature of writs. Vart called in Latin *Viridarii*, as it seemeth of the word *Viride*, which is in English *Greene*, in French *Verd*, in a great part of their office is touching the *Verd*, to wit, the wood and grasse growing in the Forrest, for which see more in the Charter and Lawes of the Forrest.

View.

View est quant afeun Action real est port, & le

View.

View is when an Action real is brought, and the tenant

tenant knoweth not well
what land it is that the de-
mandant asketh, the de-
mandant shall pray the view, that
is to say, that he may see the
land which he claimeth.
But if the tenant hath had
the view in one writ, and
after the writ is abated in
misnaming of the towner, or
by ioynture, & after the
demandant bringeth another
writ against the tenant, the
tenant shall not have the
view in the second writ.

tenant ne scaoit bien quel
terre il est que le demandant
demand, donques le tenant
prier le view, a. que il poyt
veoir le terre que il claima.
Mes si le tenant ad ew le
view in vn brieve, & puis le
brieve est abatus per misnoms-
mer de le Vill, ou per ioynture-
nure, & puis le demandant
port vn tiel Brieve vers le te-
nant, doncs le tenant n'aura
le view in le second brieve.

Vi Laica remouenda.

Vi Laica remouenda.

VI Laica remouenda is a
writ, & it lyeth where de-
bate is between two Par-
sons or Prouisors for a
Church, & one of the entreteth
into the Church with great
power of Lay men, & hol-
deth the other out with force
& armes, then he that is hol-
den out shall haue this writ
directed to the Sherife, that
he remove the power which
is within the Church, & the
sherife shall be commanded,
that if he find any men there
withstanding, that the she-
rife shall take with him the
power of his countie, if need
be, and shall arrest the bo-
dies of all them him resist-

VI Laica remouenda est vn
Brieve, & gist lou debate
est perenter deux Parsons ou
Prouisors dun Eglise, & l'un
enter en le Eglise oue graud
power de Lay homes, &
tient l'autre dehors oue force
& armes, donques celui que
est ienus dehors auera le dit
brieve direct al Vicount, que
il remooua cest power que
est deins l'Eglise, & serra
command al Vicount, que
sil troue aucun homes luy
resistant, que le Vicount pre-
dra ouesque luy la poyar de
son Countie, si besoigne
s'en, & serra attache per lour
corps tous ceux luy resist-

The Exposition of

ants, & les mitterra en prison, issint que il eyt lour corps deuât le Roy a certain iour de responder del contempt. Et cest brief est retourneable, & ne sera graunt deuant que le Euesq; del lieu lou tiel Esglise est, eyt certifie en le Chancerie tiel resistance & force.

ing, & shall put them in prison, so that he haue their bodies before the K. as a certaine day to answer to the contempt. And this writ is returnable, and it shall not be granted before that the Bishop of the place where such a Church is, hath certified in the Chancery such resisting and force.

Villeinage.

Villeinage.

TEnir en pure *Villeinage*, est a faire tout ceo, que le Sür luy voit commander.

TO hold in pure *Villeinage*, is to do al that, that the Lord wil him command.

Le deuision d'villeinage, est villeine de sank, & d'tenure. Et il est villein de que son Sür prent redemption de sa file marier, & soy meisme enfranchise, & le Seignieur puit luy ouste de ses terres ou tenements a sa volunt, & auxy de tous ses biens & chateaux.

The diuision of *Villeinage* is villeins of blood, & of tenure. And he is a villeine of whome the Lord taketh redemption to marrie his daughter, & to make him free, & it is hez whome the Lord may put out of his lands or tenements at his wil, & also of all his goods & cattell.

Et nota bien, que Stoke-man nest pas pure villeine, ne villeine doit pas garde, mariage, ne reliefe, ne faire autres seruices reals.

And note well, that a *Stokemā* is no pure villein nor a villeine doeth not ward, marriage, nor reliefe, nor to do any other seruices reals.

Et nota bien, que tenure en villeinage ne ferra nul franke home villeine, sil ne soit continue ouster

And note well, that the tenure in *Villeinage* shall make no freeman villeine, if it be not continued ever

any

Any time out of minde : nor
villeine land shall make no
free man villeine, nor free
land shall make no villeine
free, except that the tenant
have continued free beyond
the time of memory.

le temps de memory, ne vil-
leine terre ne ferra frâke hœ
villeine, ne franke t̃re ne ferra
villeine franke, sinon q̃ le te-
nant avoit continue franke-
t̃e outher le tēps de memo-
rie.

But a villeine that make
free land villeine, by seisin, or
by claime of the Roy.

Mes vn villeine ferra frâk
terre vielleine, p seisin, ou p
claime de son Seignior.

And note well, that if a
villeine purchase certain
land, & take a wife & alien,
or dyeth before she claime or
seisin of the Roy, the wife
shall be endowd.

Et nota bien, q̃ si villeina
purchase certaine t̃re, & prêt
feme & alien, & deuy deuât
le claime ou seisin d̃ son S̃r,
la feme ferra endowe.

And note well, that in
case that the Roy dyng a
Precipe quod reddat, against
the Alienes of his villeine,
which voucheth to warrant
the issue of the villein which
is villeine to the Roy, hee
shall have the voucher. And
by protestation the Roy
may (notwithstanding that
hee plead with his villeine)
saue that his villeine shall
not be enfranchised.

Et nota bien, q̃ en cas̃ q̃
le S̃r port Precipe quod red-
dat enuers le alienee son vil-
leine, le quel vouch a gar-
ranter le issue de le villeine q̃
est villeine al S̃r, il aua le
voucher. Et per protestation
le S̃r poit (non obstant q̃ il
plede oue son villeine) saue
que son villeine ne ferra my
enfranchise.

And note wel, that a ba-
stard shall never be iudged
villeine, but by knowledge
in Court of record.

Et nota bien, que bastard
ne ferra iammes adiudge
villeine, sinon p conuans en
court de record.

And note well, that if
debt be due by a Roy to
a freeman, and hee maketh

Et nota bien, que si det
soit due per vn Seignior
a vn franke home, & il face
deux

The Exposition of

deux homes ses executeurs, les
queux sont villeines al dit
Seignieur, & deuie, les vil-
leines aueront action de Det-
teuers lour Seignior. Et ni-
ent obstant que il pleid oues-
que eux, & il face protesta-
tion, ils ne serront pur tant
enfranchise, pur ceo que ils
font recouer le dette auant
dit al vse de vn autre person,
cesta scauoir, al vse lour testa-
tor, & niet a lour vse de-
meine.

Et si le tenaunt en dower
eyt vn villeine, le q'il purchase
certaine fre en fee, & puis le
tenant en dower enter, el aua
le fre a luy & a ses heires a
tours iours. Et m le Ley est &
tenant a terme de ans de vn
villeine.

Et nota bien, q'le Sñr poit
rob, naufre, & chastiser son
villeine a son volunt: salue
q'il ne poit luy maim, car
donq's il auera appel de mai-
hem enuers luy.

Et nota biẽ, que vn villein
poit auer trois actions enuers
son Sñr, c'est a se, vn appeale
de mort son ancesto, vn ap-
peale de rape fait a sa fem, &
vn Appeale de maine.

two men his excoutors, the
which be villeines to the
said Lord, & by the the vil-
leines that haue an action of
debt against their Lord.
And notwithstanding that
he plead with them, & if hee
make protestation, they shall
not be thereby enfranchised
for that they doe to recouer
the debt aforesaid to the vse
of another person, that is to
say, to the vse of their testa-
tor, & not to their owne vse.

And if the tenant in dower
haue a villeine which pur-
chaseth certaine land in fee,
& after the tenant in dower
entreteth, she shall haue the
land to her and to her heires
for euermore. And the same
Law is of tenant for terme
of yeares of a villeine.

And note well, that the
Lord may robbe, beate, and
chastise his villeine at his
will: save only that he may
not maim him, for then hee
shall haue an Appeale of
maine against him.

And note well, that a vil-
leine may haue three actions
against his Lord, that is to
say, an Appeale of the death
of his ancesto, an Appeale
of Rape done to his wife, &
an Appeale of maine.

And note well, If two
Parties bring a writ of
Niefes, and one of them be
nonfuit, the nonsuit of him
shall be iudged the nonsuit
of them both, so that if that
nonsuit be after apparence,
they shall be barred fro that
action for ever, for the Law
is such in favour of Liber-
tie.

And note well, If two
have a villein in common, &
one of them make to him a
manumission, he shall not be
made free against both.

And note well, That in a
writ de Natiuo habendo, it
behoveth that the lord shew
how the Defendaunt com-
meth to be Pritus of the
blood of the villein of whom
he is Lord, &c. And if he nor
none of his Ancestors were
not seised of none of his
blood, he shall not win by
his action, if the villein have
not knowledged in court of
Record himselfe to be his
Villeine.

And note well, That in a
writ of Niefes may not be
put more Niefes than two
onely, and this was first
brought in the hatred of ho-
dage. But in a writ de Li-
bertate, phanda may be put
as many Niefes as the
plaintiffe will.

And note well, that if the

Et nota bien, si deux par-
teners port brief de Niefety,
& lun de eux soyt nonsuit, le
nonsuit de luy sera adiudge
le nonsuit de ambideux, is-
sint que si le nonsuit soyt a-
pres apparence, ils serount
barre de cest Action a tous
iours, car la ley est tiel in fa-
uorem libertatis.

Et nota byen, si deux ont
vn villein e common, & lun
de eux fait a luy manumissi-
on, il ne sera my infranchise
enuers ambideux.

Et nota byen, que e briefe
de Natiuo habendo, il couient
que le Seignior monstre co-
ment le def. aueignu priue de
sanke a celuy villeine de que
il est Seignior, &c. Et si il ne
nul de ses auncestors ne soit
seisie de nul de son sanke, il
ne gainera per son Action, si
le Villeine nad pas conus en
Court de Record luy ere son
Villeine.

Et nota bien, que en vn
briefe de Niefetie ne purrôt
estre mis plusors Niefes que
deux tantsolemet, & hoc in-
troducunt fuit prius in odiu
seruitutis. Mes en Briefe de
Libertate probanda, purrout
estre mis tants niefes come le
plaintiffe vouldra.

Et nota bien, Que si le
Villeine

The Exposition of

villeine de Seignieur soyt fue en auntient demefne del Roy, ou auter ville priuiledge, deinslan & iour, le Seignieur poyt luy seifer, & si demurten la dit ville ou lieu franchise per vn an & iour sans le seisine de son Seignieur, il nad my power de luy seifer apres, si il neva dehors le suisdit franchise.

Et ascuns sont villeines p title de proscrition, cestafcauoir, q tout lour sanke ont este villeines regardants a le manor dun Sñr de tēps dont memory ac curt.

Et ascūs sont fait villeines p lour cōfession en vn court de Record. Auxy le Sñr poyt faire vn manumission a son villeine & luy infranches a tous iours.

Auxy si le villein port ase' a'cion vers son Sñr si ne soit appeal de maihim, & le Sñr a c' sans protestation fait respons, donqs p ceo le villein est franchises.

Auxy si vn villeine pchase tre, & ad bñs & vend les tres & biens deuant aucun entre ou seisin fait per le Seign, la vender est bon, mes le Roy, que est Seignieur de villeine

villeine of a Lord her self in auntient demefne of the king or other persons priuiledged, within a yeare & a day the Lord may seise him, & if he dwell in the same towne or other place franchised by a yeare & a day, without seisin of the Lord, he hath no power to seise him after, if he goe not out of the feofelays franchise.

And some be villeines by title of prescription, that is to say, that all their blood haue been villeines regardants to the manor of the Lord fro time out of mind.

And some be made villeines by their confession in a Court of record. Also the Lord may make a manumission to his villeine, and maketh him free for ever.

Also if the villeine bring any action against his Lord if it be not appeals of maihem, and the Lord without protestation make answers unto it, then by this the villeine is made free.

Also if a villein purchase land, and hath goods, and sell the goods and landes before any entre of seisin made by the Lord, the sale is good. But the King which is Lord of a villeine in

in such case may enter and
take the land after such sale
made, For no time runneth
against the King.

en tiel case poit enter & sei-
ser le terre apres tiel vendic'
fait, *Quia nullum tempus*
occurit Regi.

Viscount.

Viscount is eyther the
name of one degree of
state of honour under an
Earle, and aboue a Baron,
or else the name of a Ma-
gistrate and officer of great
authoritie, whome we com-
monly call (Sheriffe) or to
speake more truly (Shyre-
reue) and was at the first
called (Shyregereue) that
is to say, the keeper of the
Shyre, or the Reue of
Ruler of the Shyre, for
(Gerene) being deriued of
the Baron wordes (Gerere-
re) to rule, was first called
(Gererefa) and then (Ge-
reke) which betokeneth a
Ruler.

And hereof cometh
(Portreue or Portgreue)
a name that in old times
was given to the head Of-
ficer of a Towne, and sig-
nifieth the Ruler of the
Towne, for that (Port)
coming of the Latine,
word (Portus) signifieth a
Port towne, and (Gerene)
being deriued as is aforesaid
signifieth a Ruler, so
that Portgreue, or as we

*Viscounts.

Viscount est ou le nofme
de vn degre ou state de
honour sous vn Countee,
& paramount vn Baron, ou
le nofme de vn Magistrate
& officer del grand au-
thoritie que nous commu-
nement appellom' (Shirife)
ou de parler plus veraiement
(Shire-reue) & fuit al pri-
mes appel (Shire-gerue) cest
adire Custos comitatus, ou
le Reue ou Ruler del Coun-
tie, car (Gerue) esteat de-
riue de Saxon parol (Gere-
tean) pur rule, fuit al' primes
appel (Gererefa) & donques
(Gererefa) que betoken vn
Ruler.

Et de ceo vient (portreue
ou Portgreue) vn nofme: que
en viel temps fait done al
chiefe Officer d'un ville, &
signifie le governor del ville
pur ceo que (Port) veniens
de le Latine parol (Portus)
signifie vn port ville, & (Ge-
reue) esteat deriue com' est a-
uant dit signifie vn rul', issint
q' Portgreue, ou come nous
a ore

The Exposition of

a ore briefement parle ceo
(Portreue) cest le gouverner d'l
Ville.

Et issint fuit le chiefe Of-
ficer ou gouverner del Citie
de Londres long temps past
(deuant que ils ad le nosme
del Maior ou Bailifes) appel
come il appiert en diuers vi-
culx monuments: Mes prin-
cipalmēt en le Saxon Char-
ter de Guillian Bastard le
Conquerour, que issint
commence.

William le King greit
William Bisceop, & *God-
frey* Ges port Geresant, &
dalle tha Burwatten theon
London beon, &c.

Issint ils de Germanie (de
que nous & nostre language
ensēble primermēt vient) ap-
pel enter eux vn gouern Bur-
greepe, vn auter Margreeue,
& vn auter Lansgreeue, oue
tielx semblables, &c.

Cest tant est dit tant sole-
ment pur monstre le drait
Etymon & antiquite de p-
ol (Sherife) a quel officer
nostre common ley ad tous
foits accordant done graund
confidēce & authorite, come
destre vn special preseruer
del peace. Et p- ceo tous ob-
ligations q'il prist a m le p-
pose, sont come Recognisāce
en ley.

nowe shorte speaks a *Portreue*, is the Ruler of the
City.

And this was the head
Officer or Gouverneur of
the Citie of London long
since (before they had the
names of *Mayor* or *Bay-
lives*) called, as it both ap-
pears in diuers old Monu-
ments: But chiefly in the
Saxon Charter of Wil-
liam Bastard the Con-
querour, which thus begins
with.

William the King greit
William the Bishop,
and Godfrey the Portreue,
and also the Citizens that
in London be, &c.

So also they of Germanie
(from whom we and our
language together first
came) call among them one
gouernor Burgreeue, and
ther Margreeue, and ano-
ther Lansgreeue, with such
like, &c.

Thus much is said on-
ly to shew the right Etymō
and antiquite of the word
(Sherife) to which officer
our common Law hath al-
wayes accordingly giuen
great trust and authority as
to be a speciall preseruer of
the peace. And therefore all
obligations that he taketh to
the same end, are Recogni-
sances in law.

He also is a Judge of record when he holdeth the lres of Turnes which are courts of Record.

Whether hath the execution and returne of writs, and impaneling of Juries and such like, &c.

Il auxy est vn ludge de record quant il tient les leers ou Turnes, les queux sont Courts de Record.

Item il ad le execution & retourne des Briefes, & impaneling des Iuries & tiels semblables, &c.

Volunt.

Volunt.

Volunt is when the tenant holdeth at the will of the Lessor or of the Lord, and that is in two manners.

One is, when I make a lease to a man of Landes, to holde at my will, then I may put him out at my pleasure: But if he sow the ground, and I put him out, then he shall haue his Cope, and going out and coming in till they be ripe to cut and carrie out of the ground.

And such Tenant at will is not bound to sustaine and repaire the house as a tenant for terme of years is bound: But if he make wilfull waste, the lessor shall haue against him an action of Trespas.

Whether is another tenant at will of the Lord, by Cople of Court Rolle according to the custome of the Manor: and such a Tenant may surrender the

Volunt est quauant le Tenaunt tyent a le volunt del Lessor, ou del seignior & ceo est en deux maners.

Vn est, quauant ieo face Leasea vn home de Terres, a tener a ma volunt, donques ieo puisse luy ouster a mon pleasure: Mes si il emblee le Terre, & ieo luy ousta, donques il auera son embleement, & egresse & regresse iesques ils sont mature pur eux scier & carier hors del terre.

Et tiel Tenaunt a volunt nest pas tenu de sustainer, & repayer le meason si come Tenaunt a terme de ans est tenu: Mes si il fait voluntarie waste, le Lessor auera vers luy vn action de Trespasse.

Auxy la est auter tenaunt a volunt del seignior per copie de Court Rolle selonque le custome del manor: Et tiel Tenaunt poit surrender le Terre

The Exposition of

Terre en les maines le Seignour per le custome al vse vn auter pur terme de vie, ou en fee simple, ou fee taile, & donques il prendra le Terre del Seignour ou son Seneschal per Copie, & ferra fine al Seignour. Mes si le Seignour ousta tiel Tenaunt, il nad remedie mes de fuerper petition, & si tiel Tenaunt voile implead vn auter des Terres, &c. il couient enter vn plaint en le Court, & countera en le nature de quel Brieft il voit sicome le case gift.

lands into the hands of the Lord by customs; to the use of another for terme of life, or in fee simple, or in fee taile, and then hee shall take the Land of the Lord, or his Sherward by Copie, and shall make fine to the Lord: But if the Lord put out such a Tenant, hee hath no remedie but to sue by Petition, & if such a Tenant will impleade another of the Lands, or. hee ought to enter a plaint in the court, and shall declare in the nature of what writt hee will, as the case lyeth.

Voucher.

Voucher.

Voucher est quauant *Præcipe quod reddat* de Terre est port vers vn home, & vn auter doit Garrant le Terre al Tenaunt, donques le Tenaunt luy vouchera a Garrantie, & sur ceo il auera vn Brieftappel *Summoncas ad warrantizandum*: Et si le Viscounte retourne que il nad ryens per que il poyt este summon, donques issira Brieftappel *Sequatur sub suo periculo*, & quauant il vient il pleadera ouesque le demaundant, & si vient &

Voucher is when a *Præcipe quod reddat* of land is brought against a man, and another ought to warrant the lands to the tenant, then the tenant shall vouch him to warrantie, and thereupon hee shall haue a writt called *Summoncas ad warrantizandum*: And if the Sheriffe retourne that hee hath nothing by the which hee may be summoned, then there shall goe forth a writt called *Sequatur sub suo periculo*, and when he cometh hee shall pleade with the demandant, & if he come not, or if hee come and can-

not

not barre the demandant, then the demandant shall recover the Land against the Tenant, and the Tenaunt shall recover as much Land in value against the Vouchee, & thereupon he shall have a writ called *Capias ad Valentiam*, against the vouchee.

Looke more of Voucher before in the title of *Garantie*.

ne poit barre le Demaundant, donques le Demaundant recouera le terre vers le Tchaunt, & le Tenaunt recouera tant de terre en value vers le Vouchee, & sur ceo il auera vn Brieſe appel *Capias ad valentiam*, vers le Vouchee.

Vide plus de Voucher deuant, tit. *Garrantie*.

Vſes.

*V*Ses of Land had beginning after that the custome of propertie beganne amongst men: as where one being seised of lands in Fee simple, made a feoffment to another without any consideration, but onely meaning that the other should be seised to his vse, and that hee himselfe would take the commoditie and profits of the lands, and that the feoffee should haue the possession and franktenement thereof to the same vse, &c.

Now after this, vpon good considerations, and to auoyde diuers mischiefes and inconueniences, was the Stat. of An. 27. Hen. 3. cap. 10. provided, which enacteth the vse and possession together, so that who hath the

Vſes.

*V*Ses de terre ad son commencement apres que le custome de propertie commence entre homes: Comē ou vn estant seise de terres en Fee simple, fait vn feoffment al vn autre sans aucun consideration, mes seulement meaning que le autre serroit seise al son vse, & que il mesme voile prendre l'commoditie & profits de les terres, & que le Feoffee doit auer le possession & franketenement de ceo al mesme le vse, &c.

Ore apres ceo, sur bone considerations, & pur auoyder diuers mischiefes & inconueniences, fuit le Stat. d'an. 27. H. 3. ca. 10. puruiew, q'l vniter le vse & possession ensemble issint q'il que ad le

The Exposition of

use de terre, & il mesme ad
le possession de ceo, accord-
dant al use que il auroit en
ceo per vertue de cest esta-
ture.

use of the Land, the same
hath the possession thereof,
according to the use he hath
therin by vertue of that Es-
tate.

Vsury.

VSurie, est vn gaine de as-
cun chose ouster le prin-
cipal ou ceo que fuit lent,
exa & solement en conside-
ration de le loan, soit il de
Corne, Viande, Apparell,
Wares, ou tielx semblables,
come de money.

Et icy mult poyt estre dit,
& diuers cases poynt estre
mys concernants Vsurie, le
quel de purpose ieo omit,
solement ieo pria, que ceux
que accompt eux mesmes
religious & bone Christi-
ans ne voylent deceiue eux
mesmes per colour de le sta-
tute de Vsury, pur ceo que
le statute dit, que il ne ferra
loyall pur aucun de prender
ouster x.li. en le C.li. pur vn
an &c. per que ils collect
(mes fausement) q̄ ils poy-
ent per ceo prender x.li. pur
le loan dū C.li. oue vn bone
conscience, pur ceo que le
Statute solanque vn maner
dispence oue ceo, (pur ceo
que il ne punishe tyelx
prendors) quel chose il ne
poit sayre oue les Leyes

Vsurie.

VSurie is a gaine of any
thing aboute the princi-
pal, or that which was let,
exacted onely in considera-
tion of the Loane, whether
it be Corne, Meate, Appa-
rell, Wares, or such like, as
Money.

And here much might be
sayde, and many Cases
might bee put concerning
Usurie, which of purpose
I omit; onely I wish that
they who account them-
selues religious and good
Christians, would not de-
ceiue themselves by colour
of the Statute of Usurie,
because the Statute sayth,
That it shall not be lawfull
for any to take aboue x.li. in
the C.li. for a yere, &c. where
by they gather (although
falsly) that they may there-
fore take ten pounds for the
loan of a hundred pounds,
with a good conscience, be-
cause the Statute doth as-
ter a foyte dispence withall,
(for that it doth not punish
such taking) which thing it
cannot do with the Lawes
and

and Ordinaunces of God,
for God will haue his De-
crees to be kept inuio-
lable, who saith, Iend, looking for
nothing thereby &c. by which
word is excused, either
the taking of x. li. v. li. yea,
or one penny above the prin-
cipall. But rather let such
thinke, that Statute was
made vpon like cause, that
moued Moses so giue a bill
of diuorice to the Israelites,
as namely to auoid a grea-
ter mischiefe, & for the hard-
nesse of their hearts.

& ordina nces de Dieu, car
Dieu voyle auer ses decrees
obserue inuioable, que dir,
Lend, expectant pur nul
chose pur ceo &c. Per
queux parolx est exclude,
le prisel de x. li. v. li. ou de
vn denyer ouster le princi-
pall. Mes plus pensant tiels
que cest statute fuit fait sur
tiel semble cause, que mo-
uaît *Moyse* de doner vn bil
de diuorice a les Israelites
come nosmement, pur a-
uoider vn greinder mischiefe,
& pur le duritie de leur
ceurs.

Vtlary.

Vtlarie.

Vtlarie, is when an Ex-
igent goeth forth against
any man, to appeare in any
Court to make answer to
any action or indictment, &
proclamation made in fine
Counties, then at the sif
Countie if the defendat ap-
peare not, then the coroner
shall giue iudgement that
hee shall be out of the prote-
ction of the King, and out
of the ayde of the Law.

And by such an vtlarie
in Actions personells, the
partie outlawed shall for-
feits al his goods and Cha-
tels to the King.

And by an vtlarie in fe-
lonie hee shall forfeit aswell

Vtlarie, est quant vn Exi-
gent issist vers ascun
home de appearer en ascun
Court de fayre respons al
ascun action ou indictment,
& Proclamation fait en s.
Counties, si le defendant ne
appeare, donques le Coro-
ner donera iudgement que
il sera hors de protection
de Roy, & hors del ayde le
Ley.

Et pertiel vtlarie en A-
ctions personals, le partie
village forfeitera tous ses
biens & chateux al Roy.

Et per vtlarie en felonie
il forfeitera auxy bien

Qq 2 tous

The Exposition of

touts ses terres & tenemens
que il ad en Fee simple, ou
pur terme de sa vie, come ses
biens & chateux,

Auxy mesque vn home
soit vtlage, vncore si ascun
discontinuance ou erreur
soit en la suit del Proces, le
ptie de c' auera la aduantage
& per tiel cause l'utlagarie
serra reuerse & adnullc.

Auxy si le partie defend
soit ouster la Mere al temps
del vilagarie pronounce, ceo
est bone cause de reuerfall de
vilarie.

Auxy si vn Exigent soit
agard vers vn home en vn
Countie lou il ne demurra
pas, vneore vn Exigent oue
proclamation issira al countie
lou il demurre, ou auter
ment sil soit sur ceo vilage,
vilagarie poit este reuerse,
come appiert per lesta^e fait
Anno 6. & 4. H. 8. cap. 4.

Auxy si vn soit vtlage en
action personall al suirdun
auter, & puis il purchase
son charter de pardon de
Roy, tiel charter ne serra
iaupais allowe, tanque il
ad fue vn Brieve de *Scire
factas* de garn^e le partie plain
tiffe, & si il appeare, don
ques le defendant respon
dera a luy, & luy barre^e de

al his landys and tenemens
that he hath in fee simple, or
for terme of his life, as his
goods and chattells.

Also though a man bes
outlawed, yet if any error
or discontinuance bee in
the suit of the proces, the
partie thereof shall haue
aduantage, & for such cause
the vilarie shall be reuerfed
and adnullcd.

And if the partie defen
dant bee ouer the sea at the
time of the vilarie pronoun
ced, that is a good cause of
the reuerfall of the vilarie.

Also if an Exigent bee a
warded againt a man in
one countie where hee dwel
leth not, yet an Exigent
with Proclamation shall go
forth to the Countie where
hee dwelleth, or else if he bee
thereupon outlawed, the
vilarie may bee reuerfed, as
it appeareth by the Statute
made the 6. and 4. yere of H.
H. 8. cap. 4.

And if a man bes outlaw
ed in an action personall at
the suit of another, & after
hee purchase his Charter of
pardon of the King, such
Charter shall neuer bee al
lowed, till hee hath sued a
writ of *Scire fac* to swarne
the partie plaintiffe, & if he
appeare, then the def. shal
answer him, & barre him of
his

his action, or else to make agreement with him.

sa Action, ou autrement de faire agreemēt ouesque luy.

Verum.

Verum.

Verum, is a writ, and it lyeth when the right of any Church is aliened and holden in lay fee, or translated into the possession of any other Church, and the Bisenour dyeth, then his successor shall haue the said writ, whereof an enquest shall bee charged to trye whether it be the free almes of the Church or lay fee.

And note wel, That none that haue couent or common seale, may maintaine this writ: But a writ of Entre sine assensu Capituli of the alienation made by his predecessors.

Verum, est vn Brieft, & gist quantle droit de aucun Esglise est aliene & renusen lay fee, ou translate en possession dauter Esglise, & alienour deuie, donques son successeur auera le dit Brieft, & per que vn enquest serā charge de trier *verum sit libera elemosina Ecclesie vel laicum feudum.*

Et nota, que nul que ad couent ou common seale, poit meinteiner est Brieft, mes bñe de *Entre sine assensu Capituli*, de alienatiō faie per son predecessor.

W

W

Wage.

Wage.

Wage, is the gining security for the performing of anything, as to wage law, and to wage bailmeance, which see before in Gage. None wagoth law against the King, Brooke ut. Chole en Action nu. 6. See Law.

Wage, est le donant securitie pur le performāce de aucun chose come a gager ley & a gager deliuerance queux vies deuaunt en Gage. Nul gagerā ley encounter le roy, Brooke ut. chose Action nu. 6. Veies Ley.

The Exposition of

Waife.

Waife, est quant vn laron ad feloniouslyment emblee biens, & esteaunt neerement pursue oue hue & crie, ou autrement surcharge oue le burden ou trouble des biens, pur son ease & plus speedy trauaile, sans hue & crie, sua & waia les biens ou ascun part de eux arere luy &c. donques le officer del Roy, ou le Reeue ou Baylife al seignior del mannour (deins que iurisdiction ou circuit ils fueront waife) que per prescription, ou graunt de roy ad le franchise de waife poyent seiser les biens issint waife al vse delour Seignours, que poyent retenir eux come ses proper biens, sinon que le owner vient ouesque fresh suit apres le felon, & sue vnapeale, ou done en euidence enuers luy al son arraignment sur le indictment, & il e attaint de ceo, &c. En queux cases le primer owner auera restitution de ses biens issint emblee & waife.

Mes nient obstant come ad ee dit, waife est properment de biens emblees, vnc

Waife.

Waife, is when a theefe hath feloniously stolen goods, and being neerely followed with hue and crie, or else overcharged with the burden or trouble of the goods, for his ease sake and more speedy trauayling, without hue and crie, flyeth away and leaueth the goods or any part of them behind him, &c. then the R. Officer, or the Reeue or Baylife to the Lord of the Mannor (within whose iurisdiction or circuit they were left) that by prescription, or grant from the King, hath the franchise of waife, may seise the goods so waured to the Lords vse, who may keepe them as his owne proper goods, except that the owner come with fresh suit after the felon, and sue an appeale, or giue in euidence against him at his arraignment upon the indictment, & he be attainted thereof &c. In which cases the first owner that haue restitution of his goods so stolen and waured.

And although, as hath bene said, waife is properly of goods stolen, yet

Waife may be also the goods that are not stolne: As if a man bee pursued with his and crye, as a felon, and hee flyeth, and leaueth his owne goods, &c. these shall be taken as goods waifed, and forfeit as if they had bene stolne.

Waife poiteste auxi de biens nient emblees: Come si vn home soit pursue ouesq, hue & cry, cõe vn felon, & il sue & relinquish ses biens demesne &c. ceux serra prise come biens waife, & forfait cõe sils ad este emblees.

Waife.

Waife.

Waife, is a woman that is outlawed, and she is called waife. as left out or forsaken of the lawe, and not an outlaw as a man is: For women are not swarene in Leetes to the King, nor to the lawe, as men are, who therfore are within the law, whereas women are not, & for that cause they can not be said outlawed, in so much as they neuer were within it.

Waife, est vn feme que est vilage, & il est appel Waife, quasi relicta à lege, & nemy vilage come home: Car femes ne sount iures en Leetes al Roy, ne al Ley, come homes sont, & pur cest cause ils ne poyent estre dit vilage, enrant que ils ne vnques fueront deins eco.

But a man is called vilage, because that hee was once swarene to the lawe: And now for contempt he is put out of the law, & is called vilage, as one should say without benefit of the law.

Mes vn home est dit vilage, pur ceo que il suit vn foits iure a le Ley: Et a ore pur contempt il est mis hors del Ley, & dictus vilagarius, quasi extra legem positus.

Wapentake.

Wapentake.

Wapentake, is all one with that which were call hundred as appeareth

Wapentake, est tout vn que ceo q nous appello-mus hundred come apert

Qq 4

per

The Exposition of

per *Bract. lib. 3. Tract. 2. Cap. 1. num. 1 in fine.* Moun-
sieur Lambert en son Expi-
cation de Saxon parols, ver-
bo *Centuria*, dit, Que cest
parol *Wapentake* est plus e-
specialment vse a cest iour
en les pays oustier le fluue
de Trent: Et en les Leyes
del Roy *Edouart*, (per luy
publie) *Num. 33.* il est fort
plaine en ceux parols, *Et*
quod Angli vocant Hundre-
dum, supradicti comitatus vo-
cant Wapentarium.

Les Statutes Anno 3.
Henr. 5. cap. 2. Et Anno 9.
Hen. 6. cap. 10. Et Anno 15.
Hen. 6. cap. 7. font mention
de *Stainetise Wapentake*,
& *Frendlesse Wapentake*
en Crauen en le County de
Euerwicke. Veies *Roger*
Houeden, part. poster. *Annal.*
fol. 345.

Warden.

WArden est de mesme
signification come est
le parol *Franceis* *Gardeine*,
Et pur ceo veyes plus en le
title *Gardeine*: Mes il est le
plus visul parol de tous
que escrient en Anglois pur
luy que ad le custodie ou

by *Bract. lib. 2. tract. 2. cap. 2.*
in the end. *Walter Lambert*
in his explication of *Saxon*
words, word *Centuria*,
saith, *That this word Wa-*
pentake is moze especially
vled at this day in the coun-
tries beyond the River
Trent: And in the Lawes
of King Edw. (by him set
forth) *num. 33.* it is most
plaine in these words, *And*
what the English terme
Hundred, the foresaid coun-
tries call *Wapentake*.

The Statutes Anno 3.
Hen. 5. cap. 2. and Anno 9.
H. 6. cap. 20. 9 Ann 15. H. 6.
cap. 7. make mention of
Stainetise Wapentake, and
friendlesse Wapentake in
Crauen in the Countie of
Yorke, See *Roger Houe-*
den, part. poster. *Annal.*
fol. 345.

Warden.

WArden is of the same
signification as is the
French word *Gardeine*,
and therefore of this See
moze in the title *Gar-*
deine: But it is the most
usual word of all that
wyte in English, for him
that hath the custodie and
charge

charge of any person of
thing by Office, as War-
dens of the Fellowshipes
in London, Anno 14. Hen. 3.
cap. 2. Warden Courts,
Anno 31. Hen. 6. ca. 3. War-
den of the Marches, Anno
4. Hen. 7. cap. 8. Ferrie War-
den, Anno 18. Eliz. ca. 10. &
Anno 27. Eliz. cap. 26. War-
dens of the Peace, Anno 2.
Edw. 3. cap. 3. Wardens of
the West Marches, Camb-
dens Brit. pag. 606. Warden
of the forest, Manwood
part. 1. pag. 111. 112. Warden
of the Vinage, Anno 18. H. 6.
ca. 16. Warden of the kings
Armoz in the Tower, An-
no 1. Edw. 4. cap. 1. Chiefe
warden of the forest,
Manwood part. 1. pag. 42. 43.
Warden of the kings Ward-
robe, Anno 5. Hen. 3. Stat. 5.
Wardens of the Tables of
the Kings Exchange, Ann.
9. Edw. 3. Statut. 2. cap. 7. &
Anno 9. H. 5. Statut. 2. cap. 4.
Warden of the Rolles of the
Chancerie, Anno 1. Edw. 4.
cap. 1. & 5. And Wardens
and Communitie of lands
contributorie to Rochester
Bridge, Anno 18. El. ca. 17.

charge de ascum person You
chose per office, come War-
dens & Fraternities en Lon-
dres, Anno 14. Hen. 3. cap. 2.
Warden Courts, Anno 31.
Hen. 6. cap. 3. Warden del
Marches, Anno 4. Hen. 7. c. 8.
Ferrie Warden, Anno 18. E-
liz. cap. 10. & Anno 27. Eliz.
cap. 26. Wardens del peace,
Anno 2. Edw. 3. cap. 3. War-
den del West Marches, Cam-
dens Brittan. pag. 606. War-
den del Forest, Manwood
part. 1. pag. 111. 112. War-
den del Aulnage, Anno 18.
H. 6. cap. 16. Warden del Ar-
mour le Roy en le Tower,
Anno 1. Edward 4. ca. primo.
Chiefe Warden del Forest,
Manwood part. 1. pag. 42. 43.
Warden del Wardrobe le
Roy, Anno 5. Hen. 3. Stat. 5.
Wardens des Tables del Es-
change le Roy, Anno 9. Ed-
ward 3. Stat. 2. cap. 7. & An-
no 9. Hen. 5. Statut. 2. cap. 4.
Warden des Rolles del
Chancerie, Anno 1. Edw. 4.
cap. 1 & 5. Et Wardens &
Communitie des terres
contributorie al Rochester
Bridge, Anno 18. Elizabeth.
cap. 17.

WARDEN.

The Exposition of

Warren.

Warren, est vn lieu priuiledged per prescription ou graunt del Roy pur le preseruatiou del Leuerets, Cunicles, Perdrees & Phe-sants, ou ascun de eux.

Warwit.

Warwit, (ou Wardwit come ascuns copies ad ceo) hoc est quietum esse de denarijs dandis pro wardis faciendis.

Wast.

Wast, est lou tenaunt a terme dans, tenaunt a terme de vie, ou tenant pur terme d'auter vie, tenant en Dower, ou tenant per le curtesie, ou Gardeine en Chivalrie fait Wast ou destruction sur la terre, cest a scauoir, sil debrusa meason, ou coupe merisme, ou suffer le meason voluntarie pur eschier, ou foder la terre, donques cesty en le reuer-sion auera vn Briefe pur cest Wast, & recouera le lieu ou le Wast fuit fait, & treble dammages.

Et si home coupe me-risne sauns licence, &

Warren.

Warren, is a place priuiledged by prescription or graunt of the King for the preseruatiou of Hares, Conies, Partridges, and Phe-sants, or any of them.

Warwit.

WArwit, (or Wardwit, as some Copies haue it) that is to be quit of giuing of money for keeping of wards.

Wast.

Wast, is where tenant for terme of yeeres, tenant for terme of life, or tenant for terme of anothers life, tenant in dower, or tenant by the curtesie, or Gardein in chivalrie doth make wast or destruction vpon the land that is to say, pulleth down the house, or cutteth downe timber, or suffereth the house willingly to fall, or diggeth the ground, then hee in the reuer-sion shall haue one writ for that wast, and shall recouer the place where the waste is done, and treble dammages.

And if a man cut downe timber without licence, and there-

therewith repaireth olde houses, yet that is no wast. But if hee with the timber build a new house, then the cutting downe of such timber is wast: also the cutting downe of vnderwood, or willowes, which is no timber shall not bee sayd to bee wast, but if they grow in the sight or shadowe of the house.

ouesque ceo repaire les ancients measons vncore c' nest pas Wast. Mes si il ouesque le merisme edifia vn nouel meason, donques le couper de tiel merisme est wast. Auxy le couper de subboys ou Willowes, que nest pas merisme, ne serra dit wast, sinõ q' cressont en le view ou sciẽ del meason.

Withernam.

Withernam.

Withernam is the taking or taking of a distresse to a hold, or out of the countie, so that the Sheriffe cannot vpon Replewin make deliuerie thereof to the partie distreined, in which case a writ of Withernam is directed to the Sheriffe for the taking of as many of his beasts that shal thus vniu'sally distreine, or as much goods of his into his keeping, untill he hath made deliuerance of the first distress. Also if the beasts bee in a fortlet or castle, the Sheriffe may take with him the power of the Countie, and beat down the castle, as appeareth by the Statute of West. 1. ca. 20. Brit. Cap. 27.

Withernam est le prisure ou chaser dun distresse a vn fortresse ou hors del Countie issint que le Viscount ne poyt sur replewin faire deliuerance de ceo al partie distreine, en quel case vn Briefe de Withernam est direct al Viscount pur le prisel de tants de ses auers que issint illoyalment distreine ou tants de ses biens en son custodie ielsque il ad fait deliuerance de le prẽ distresse. Auxy si les auers sont en vn Fortlet ou Castle, le Viscount puit prend' oue luy l' power del Countie, & debrufer le Castle, come appiert per le Statute de West. 1. ca. 20. Bri. cap. 27.

Wad.

The Exposition of

Woodgeld.

Woodgeld semble destre le collection ou succider de boys deins le forrest, ou argent prise pur mesme al vse des foresters. Et le priuiledge de ceo per le Grant le Roy, est p *Cromp. fol. 197.* appel Woodgeld.

Woolferthfod.

Woolferthfod est le condition de tiels que fueront vtlage en le temps del Saxons, pur nient submitterant eux mesmes al Iustice, car s'ils poient estre prise en vife, ils serroient port al Roy, & s'ils en pauer de apprehension eux mesmes, defenderont, ils poyent estre tue, & leur Testes port al Roy, car ils porteront le reste dun Woolfe, cest adire, leur teste ne fuit plus, de stre regard q le teste dun Wolf, que fuit yn beast cy torcio^r al homes. Veies les Leyes d' Roy Edouart p Monsieur Lambert f. 127. nu. 7. & *Bracton lib. 3. Tract. 2. cap. 11.* ceo est elcise *Wulvesheau* d p Roger Honeden, part. poster. *annual fol. 343.*

Woodgeld.

Woodgeld sameth to bee the gathering or cutting of Wood within the forrest, or money payde for the same to the foresters. And the immunitie from this by the Kings grant, is by Crompton fo. 197. called Woodgeld.

Woolferthfod.

Woolferthfod is the condition of such which were outlawed in the Saxons time for not submitting themselves to Justice, for if they could be taken alive, they should be brought to the King, & if they in feare of apprehension did defend themselves, they might be slain, & their heads brought to the K. for they carried a wolfs head, that it is to say, their head was no more to be accounted of than a wolfs head, being a beast so hurtful to man. See the laws of K. Ed. by Bp. Lam. f. 127. nu. 7. & *Bract. 2. tract. 2. c. 11.* This is written *Wulvesheau* d p Roger Honeden, part. poster. *Annual fol. 343.*
Wrecke.

Wrecke.

W^drecke oz Varch (as the
Normans from whome
it came call it) is where a
Ship is perished on the sea,
and no man escapeth alive
out of the same, and the ship
oz part of the ship so per-
ished, oz the goods of the ship
come to the land of any lord,
the lord shall haue that as
a wrecke of the sea. But if
a man, oz a dogge, oz a cat,
escape alive, so that the par-
tie to whome the goods be-
long, come within a yeare
and a day, and prouue the
goods to be his, he shal haue
them againe, by prouision
of the Statute of Westm. 1.
Cap. 4. made in King Ed. 1.
dayes, who therin followed
the decree of Hen. 1. before
whose dayes, if a ship had
bin cast on shore, torne with
tempest, & were not repa-
red by such as escaped alive
within a certaine time, that
then this way taken for
wrecks.

Wrecke.

W^drecke, on Varch, (come
les Normans de que il
vient, appellont ceo) est qñt
vn niese est perish sur le
mere, & nul hōc escape viue
hors del niese, & le niese, ou
part del niese issint perish,
ou les biens del niese vient
al terre d'ascun Sñr, le Sñr
les auera come vn wrecke de
le mere. Mes si vn home, ou
vn chien, ou carte, escape
viue, issint quē le partie a q
les biens sont veign deins
lan & iour, & prooue les bñs
destrer, il auera eux arere,
per prouision del statute de
Westm. 1. cap. 4. fait en les
iours del Roy E. 1. que en ceo
followed le decree de Hen.
1. deuant que iours si vn
Niese ad estre iet sur le
shore, torne oue tempest, &
nemy repaire per eux que
escapont in vie deins vn cer-
taine temps, que donques
ceo fuit prise come Wrecke.

FINIS.